

Title 172 WAC

EASTERN WASHINGTON UNIVERSITY

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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 172-08 DELEGATION OF AUTHORITY

172-08-010	Notice of trespass. [Order NIA, § 172-08-010, filed 9/23/69.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-08-020	Restriction of access. [Order NIA, § 172-08-020, filed 9/23/69.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-08-030	Effective date. [Order NIA, § 172-08-030, filed 9/23/69.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-52 STUDENT PUBLICATIONS COMMISSION

172-52-010	Responsibility of the commission. [Order 74-3, § 172-52-010, filed 1/24/74; Order 72-5, § 172-52-010, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-020	Authority of the commission. [Order 74-3, § 172-52-020, filed 1/24/74; Order 72-5, § 172-52-020, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-030	Editors of publications. [Order 74-3, § 172-52-030, filed 1/24/74; Order 72-5, § 172-52-030, filed 5/22/72.]

	Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-040	Hearing procedures for editors. [Order 74-3, § 172-52-040, filed 1/24/74; Order 72-5, § 172-52-040, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-050	Paid positions. [Order 74-3, § 172-52-050, filed 1/24/74; Order 72-5, § 172-52-050, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-060	Actions of commission subject to review. [Order 74-3, § 172-52-060, filed 1/24/74; Order 72-5, § 172-52-060, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-070	Meetings of the commission. [Order 74-3, § 172-52-070, filed 1/24/74; Order 72-5, § 172-52-070, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-080	Membership of the commission. [Order 74-3, § 172-52-080, filed 1/24/74; Order 72-5, § 172-52-080, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-090	Chairman. [Order 74-3, § 172-52-090, filed 1/24/74; Order 72-5, § 172-52-090, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-100	Exclusion from membership. [Order 74-3, § 172-52-100, filed 1/24/74; Order 72-5, § 172-52-100, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-110	Removal from membership. [Order 74-3, § 172-52-110, filed 1/24/74; Order 72-5, § 172-52-110, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-120	Guidelines for student publications. [Order 74-3, § 172-52-120, filed 1/24/74; Order 72-5, § 172-52-120, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-125	Summer publication of the Easterner. [Order 74-3, § 172-52-125, filed 1/24/74.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
172-52-130	Financing. [Order 74-3, § 172-52-130, filed 1/24/74; Order 72-5, § 172-52-130, filed 5/22/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-56 ACCESS TO PUBLIC RECORDS AND DOCUMENTS

172-56-010	Introduction and purpose. [Order 72-6, § 172-56-010, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
172-56-020	Jurisdiction. [Order 72-6, § 172-56-020, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
172-56-030	Designation of custodians of records. [Order 72-6, § 172-56-030, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
172-56-040	Declaration of what constitutes public records. [Order 72-6, § 172-56-040, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
172-56-050	Nonpublic records. [Order 72-6, § 172-56-050, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.
172-56-060	Regulations regarding access to public records. [Order 72-6, § 172-56-060, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.

172-56-070 Violations of limitations upon access to public records. [Order 72-6, § 172-56-070, filed 6/27/72.] Repealed by Order 73-1, filed 1/23/73.

**Chapter 172-113
LEGISLATIVE LIAISONS**

172-113-010 Designation of legislative liaisons. [Order 73-2, § 172-113-010, filed 1/23/73.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-113-020 Responsibility. [Order 73-2, § 172-113-020, filed 1/23/73.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

**Chapter 172-114
CONSTITUTION OF ASSOCIATED STUDENTS**

172-114-010 Preamble. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-010, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-010, filed 8/16/78; Order 72-9, § 172-114-010, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-020 Article I—Name, definitions, and membership. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-020, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-020, filed 8/16/78; Order 74-8, § 172-114-020, filed 11/1/74; Order 74-4, § 172-114-020, filed 1/24/74; Order 72-9, § 172-114-020, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-030 Article II—Students' rights and responsibilities. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-030, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-030, filed 8/16/78; Order 74-8, § 172-114-030, filed 11/1/74; Order 72-9, § 172-114-030, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-040 Article III—Council. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-21-022 (Order 84-03), § 172-114-040, filed 10/8/84. Statutory Authority: RCW 28B.35.120. 82-22-001 (Order 82-03), § 172-114-040, filed 10/21/82; 81-03-012 (Order 12-18-80), § 172-114-040, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-040, filed 8/16/78; Order 75-8, § 172-114-040, filed 7/24/75; Order 75-5, § 172-114-040, filed 5/9/75; Order 74-8, § 172-114-040, filed 11/1/74; Order 74-5, § 172-114-040, filed 6/5/74; Order 72-9, § 172-114-040, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-050 Article IV—Elections. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-21-022 (Order 84-03), § 172-114-050, filed 10/8/84. Statutory Authority: RCW 28B.35.120. 81-03-012 (Order 12-18-80), § 172-114-050, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-050, filed 8/16/78; Order 75-8, § 172-114-050, filed 7/24/75; Order 75-5, § 172-114-050, filed 5/9/75; Order 74-8, § 172-114-050, filed 11/1/74; Order 74-5, § 172-114-050, filed 6/5/74; Order 72-9, § 172-114-050, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-060 Article V—Judicial. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-060, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-060, filed 8/16/78; Order 75-8, § 172-114-060, filed 7/24/75; Order 74-8, § 172-114-060, filed 11/1/74; Order 74-5, § 172-114-060, filed 6/5/74; Order 72-9, § 172-114-060, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-070 Article VI—Rescind, recall, initiative, referendum, and inspection of records. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), §

172-114-070, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-070, filed 8/16/78; Order 72-9, § 172-114-070, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-080 Article VII—Parliamentary authority. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-080, filed 1/9/81; Order 74-8, § 172-114-080, filed 11/1/74; Order 72-9, § 172-114-080, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-090 Article VIII—Amendments. [Statutory Authority: RCW 28B.35.10 [28B.35.120], 81-03-012 (Order 12-18-80), § 172-114-090, filed 1/9/81. Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-090, filed 8/16/78; Order 74-8, § 172-114-090, filed 11/1/74; Order 74-5, § 172-114-090, filed 6/5/74; Order 72-9, § 172-114-090, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

172-114-100 Parliamentary authority. [Order 72-9, § 172-114-100, filed 9/20/72.] Repealed by 81-03-012 (Order 12-18-80), filed 1/9/81. Statutory Authority: RCW 28B.35.10 [28B.35.120].

172-114-110 Amendments. [Statutory Authority: RCW 28B.40.120(11). 78-09-029 (Resolution No. 78-03), § 172-114-110, filed 8/16/78; Order 74-5, § 172-114-110, filed 6/5/74; Order 72-9, § 172-114-110, filed 9/20/72.] Repealed by 81-03-012 (Order 12-18-80), filed 1/9/81. Statutory Authority: RCW 28B.35.10 [28B.35.120].

**Chapter 172-129
FACULTY APPEALS AND GRIEVANCE PROCEDURE**

172-129-010 Purpose. [Order 74-5, § 172-129-010, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-020 Jurisdiction. [Order 74-5, § 172-129-020, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-030 Definitions. [Order 74-5, § 172-129-030, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-031 References to bylaws. [Order 74-5, § 172-129-031, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-035 Informal hearings. [Order 74-5, § 172-129-035, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-036 Formal hearings. [Order 74-5, § 172-129-036, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-037 Statements and testimony confidential. [Order 74-5, § 172-129-037, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-040 Divergent procedures established regarding grievances and appeals. [Order 74-5, § 172-129-040, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-050 Use of normal administrative processes encouraged. [Order 74-5, § 172-129-050, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-060 Faculty appeals committee—Purpose and composition. [Order 74-5, § 172-129-060, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-070 Functions of the faculty appeals committee. [Order 74-5, § 172-129-070, filed 3/7/74; Order 74-5, § 172-129-070, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-080 Conflict of interest. [Order 74-5, § 172-129-080, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

172-129-090 General procedures for appeals and grievances. [Order 74-5, § 172-129-090, filed 2/21/74.] Repealed by 83-24-

- 041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-100 Grievance procedures. [Order 74-5, § 172-129-100, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-110 Appeals—Division into categories. [Order 74-5, § 172-129-110, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-120 Burden of proof in appeals. [Order 74-5, § 172-129-120, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-130 Hearing procedure for appeals. [Order 74-5, § 172-129-130, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-140 Procedure for appointment of hearing examiner. [Order 74-5, § 172-129-140, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-145 Scope of authority conferred upon hearing examiner. [Order 74-5, § 172-129-145, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-150 Costs of appeals and grievances. [Order 74-5, § 172-129-150, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.
- 172-129-160 Content of grievance and appeal forms. [Order 74-5, § 172-129-160, filed 2/21/74.] Repealed by 83-24-041 (Resolution No. 83-01), filed 12/1/83. Statutory Authority: RCW 28B.35.120.

Chapter 172-138

EASTERN WASHINGTON STATE COLLEGE BOOKSTORE

- 172-138-010 Eastern Washington State College bookstore operating procedures. [Order 72-13, § 172-138-010, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-138-020 Return and refund policy. [Order 72-13, § 172-138-020, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-138-030 Personal credit. [Order 72-13, § 172-138-030, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-138-040 Eastern Washington State College bookstore pricing policies. [Order 72-13, § 172-138-040, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-140

PLACEMENT SERVICE FACILITIES

- 172-140-010 Placement service facilities. [Order 72-14, § 172-140-010, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-140-015 Definitions. [Order 75-2, § 172-140-015, filed 3/3/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-140-020 Eligibility for placement services. [Order 72-14, § 172-140-020, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-140-030 Establishing a placement file. [Order 72-14, § 172-140-030, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-140-040 Use of placement files. [Order 75-2, § 172-140-040, filed 3/3/75; Order 72-14, § 172-140-040, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-140-050 Eligibility for recruitment at the placement office. [Order 72-14, § 172-140-050, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-140-060 Fees charged for use of placement office services. [Order 72-14, § 172-140-060, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-148

EQUAL OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM

- 172-148-010 General policy. [Order 72-4, § 172-148-010, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120. Later promulgation, see chapter 172-150 WAC.
- 172-148-020 Legal bases. [Order 72-4, § 172-148-020, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-030 Affirmative action council. [Order 72-4, § 172-148-030, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-040 Written objectives of affirmative action plan. [Order 72-4, § 172-148-040, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-050 Establishment of minority hiring objectives. [Order 72-4, § 172-148-050, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-060 Targets for hiring of female employees. [Order 72-4, § 172-148-060, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-070 Promotional opportunities. [Order 72-4, § 172-148-070, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-080 Target for recruitment of students. [Order 72-4, § 172-148-080, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-090 Notice to higher education personnel board. [Order 72-4, § 172-148-090, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-100 Job structuring and classification plan—Classified employees. [Order 72-4, § 172-148-100, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-110 Job structuring and classification plan—Faculty and exempt personnel. [Order 72-4, § 172-148-110, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-120 Recruitment. [Order 72-4, § 172-148-120, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-130 Selection. [Order 72-4, § 172-148-130, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-140 Appointment, placement and indoctrination. [Order 72-4, § 172-148-140, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-150 Training and education—Minority employees. [Order 72-4, § 172-148-150, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-160 Grievance procedure. [Order 72-4, § 172-148-160, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-170 Referrals of complaints. [Order 72-4, § 172-148-170, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-180 Contract compliance review—Classified personnel staff. [Order 72-4, § 172-148-180, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-148-190 Records and reports. [Order 72-4, § 172-148-190, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-200 Affirmative action responsibilities—President of the college. [Order 72-4, § 172-148-200, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-210 Employing official responsibilities. [Order 72-4, § 172-148-210, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-220 Contract compliance review official. [Order 72-4, § 172-148-220, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-230 Equal employment opportunity administrators. [Order 72-4, § 172-148-230, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-240 Communication of policy. [Order 72-4, § 172-148-240, filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-148-990 Form—Equal employment opportunity report—Classified employees. [Order 72-4, Form—Attachment A (codified as WAC 172-148-990), filed 5/22/72.] Repealed by 84-13-053 (Order 84-01), filed 6/19/84. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-149**DISCRIMINATION GRIEVANCE PROCEDURE**

- 172-149-010 Purpose. [Order 76-9-2, § 172-149-010, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-020 Jurisdiction. [Order 76-9-2, § 172-149-020, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-030 Definitions. [Order 76-9-2, § 172-149-030, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-040 Statement and testimony confidential. [Order 76-9-2, § 172-149-040, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-050 Use of informal administrative processes encouraged. [Order 76-9-2, § 172-149-050, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-060 Informal procedures. [Order 76-9-2, § 172-149-060, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-070 Appointment of hearing officer and alternate. [Order 76-9-2, § 172-149-070, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-080 General procedures for grievance review. [Order 76-9-2, § 172-149-080, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-090 Presidential review. [Order 76-9-2, § 172-149-090, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-100 Burden of proof in grievances. [Order 76-9-2, § 172-149-100, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).
- 172-149-110 Costs of grievance review procedure. [Order 76-9-2, § 172-149-110, filed 9/23/76.] Repealed by 93-01-073, filed 12/14/92, effective 12/31/92. Statutory Authority: RCW 28B.35.120(12).

Chapter 172-150**EQUAL OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM**

- 172-150-010 General policy. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-010, filed 6/19/84; Order 75-6, § 172-150-010, filed

6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-020 Legal bases. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-020, filed 6/19/84; Order 75-6, § 172-150-020, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-030 Definitions. [Order 75-6, § 172-150-030, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-035 Affirmative action for faculty—Objectives. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-035, filed 6/19/84; Order 75-6, § 172-150-035, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-040 Affirmative action for faculty—Course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-040, filed 6/19/84; Order 75-6, § 172-150-040, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-050 Affirmative action for faculty—Implementing course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-050, filed 6/19/84; Order 75-6, § 172-150-050, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-060 Affirmative action for nonacademic staff—Exempted administration—Classified staff—Objectives. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-060, filed 6/19/84; Order 75-6, § 172-150-060, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-070 Affirmative action for nonacademic staff—Exempted administration—Classified staff—Course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-070, filed 6/19/84; Order 75-6, § 172-150-070, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-080 Affirmative action for nonacademic staff—Exempt administration—Classified personnel—Implementing course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-080, filed 6/19/84; Order 75-6, § 172-150-080, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-090 Affirmative action for educational opportunity—Purpose. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-090, filed 6/19/84; Order 75-6, § 172-150-090, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-100 Affirmative action for educational opportunity—Objectives. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-100, filed 6/19/84; Order 75-6, § 172-150-100, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-110 Affirmative action for educational opportunity—Course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-110, filed 6/19/84; Order 75-6, § 172-150-110, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-120 Affirmative action for educational opportunity—Implementing course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-120, filed 6/19/84; Order 75-6, § 172-150-120, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-150-130 Affirmative action in construction and procurement—Objectives and course of action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-130, filed 6/19/84; Order 75-6, § 172-150-130, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-140 Affirmative action in construction and procurement—Implementing action. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-140, filed 6/19/84; Order 75-6, § 172-150-140, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-145 Reductions in force. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-145, filed 6/19/84; Order 75-6, § 172-150-145, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-150 Grievance procedure. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-150, filed 6/19/84; Order 75-6, § 172-150-150, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-160 Referrals of complaints. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-160, filed 6/19/84; Order 75-6, § 172-150-160, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-170 Maternity leave policy. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-170, filed 6/19/84; Order 75-6, § 172-150-170, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-180 Dissemination of policy. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-180, filed 6/19/84; Order 75-6, § 172-150-180, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-150-190 Corrective employment status. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 84-13-053 (Order 84-01), § 172-150-190, filed 6/19/84; Order 75-6, § 172-150-190, filed 6/16/75.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-156
STATE COLLEGE RESIDENCE HOUSING

- 172-156-010 Introduction. [Order 72-16, § 172-156-010, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-156-020 Applicability of housing rules and regulations. [Order 72-16, § 172-156-020, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-156-030 Financial obligations of students residing in Eastern Washington State College residence halls. [Order 72-16, § 172-156-030, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-156-040 Eligibility for Eastern Washington State College residence halls. [Order 75-10, § 172-156-040, filed 12/22/75; Order 72-16, § 172-156-040, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-156-050 Applicable conduct rules and regulations of Eastern Washington State College residence halls. [Order 72-16, § 172-156-050, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-156-060 Subleases or assignments forbidden. [Order 72-16, § 172-156-060, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-156-070 Failure of student to comply with housing rules and regulations. [Order 72-16, § 172-156-070, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83.

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Statutory Authority: RCW 28B.35.120 and 43.21C.120.

- 172-156-080 Waiver by Eastern Washington State College. [Order 72-16, § 172-156-080, filed 9/20/72.] Repealed by 83-23-100 (Order 83-02), filed 11/23/83. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-158
OFF-CAMPUS LIVING

- 172-158-010 Eastern Washington State College freshmen qualified to live in off-campus housing. [Order 72-15, § 172-158-010, filed 9/20/72.] Repealed by Order 75-9, filed 12/22/75.
- 172-158-020 Off-campus housing listings. [Order 72-15, § 172-158-020, filed 9/20/72.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-180
DELEGATED AUTHORIZATION TO HIRE, DISMISS AND DISCIPLINE CLASSIFIED PERSONNEL

- 172-180-010 Introduction and purpose. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-180-010, filed 12/13/85. Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution No. 78-2), § 172-180-010, filed 5/5/78; Order 73-7, § 172-180-010, filed 3/20/73.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-180-020 Delegation of appointing authority power. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-180-020, filed 12/13/85. Statutory Authority: RCW 28B.35.120. 82-22-078 (Order 82-04), § 172-180-020, filed 11/3/82. Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution No. 78-2), § 172-180-020, filed 5/5/78; Order 73-7, § 172-180-020, filed 3/20/73.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-180-030 Scope of powers delegated to appointing authorities. [Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution No. 78-2), § 172-180-030, filed 5/5/78; Order 73-7, § 172-180-030, filed 3/20/73.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.
- 172-180-040 Effective date. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-180-040, filed 12/13/85. Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution No. 78-2), § 172-180-040, filed 5/5/78; Order 73-7, § 172-180-040, filed 3/20/73.] Repealed by 87-16-041 (Order 87-01), filed 7/29/87. Statutory Authority: RCW 28B.35.120 and 43.21C.120.

Chapter 172-04 WAC
BOARD OF TRUSTEES

WAC

- 172-04-010 Regular meetings.

WAC 172-04-010 Regular meetings. Times, dates and locations of regular meetings of the board of trustees of Eastern Washington University shall be published in the Washington State Register in January of each year, consistent with chapters 34.08 and 42.30 RCW.

[Statutory Authority: RCW 28B.35.120(12). 92-09-101, § 172-04-010, filed 4/20/92, effective 5/21/92.]

Chapter 172-06 WAC
ORGANIZATION AND OPERATION

WAC

- 172-06-010 Organization and operation.

[Title 172 WAC—p. 5]

WAC 172-06-010 Organization and operation. (1) Organization. Eastern Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at 214 Showalter Hall, Mailstop 130; Cheney, WA 99004-2496. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the EWU Spokane Center; West 705 First, MS-1; Spokane, WA 99204.

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the general or graduate catalogues, copies of which are available for in-house viewing in the EWU Admissions Office; Cheney, WA; or from the EWU Bookstore; Cheney, WA 99004-2496.

[Statutory Authority: RCW 28B.35.120(12). 92-09-099, § 172-06-010, filed 4/20/92, effective 5/21/92.]

Chapter 172-09 WAC

ADMINISTRATION OF DUTIES AND OBLIGATIONS REQUIRED BY INITIATIVE 276—ACADEMIC TRANSCRIPTS OF EASTERN WASHINGTON STATE COLLEGE STUDENTS

WAC

172-09-010	Purpose.
172-09-020	Definition of public record.
172-09-025	Exempted records.
172-09-030	Description of central and field organization at Eastern Washington State College.
172-09-040	General course and method of decision making.
172-09-050	Informal procedures regarding the general course and methods of decision.
172-09-060	Designation of public records officers.
172-09-070	Availability for public inspection and copying of public records.
172-09-080	Requests for public records.
172-09-090	Charges for copying.
172-09-100	Determination regarding exempt records.
172-09-110	Review of denials of public records requests.
172-09-120	Repealer.
172-09-200	Academic transcripts of Eastern Washington State College students.

WAC 172-09-010 Purpose. The purpose of this chapter is to comply with the requirements of Initiative 276, which is an initiative passed by the voters of the state of Washington on November 7, 1972, and which came into effect in the state of Washington on January 1, 1973. Accordingly, the following rules are hereby promulgated.

[Order 73-1, § 172-09-010, filed 1/23/73.]

WAC 172-09-020 Definition of public record. A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Eastern Washington State College, regardless of the physical form or characteristics.

[Order 73-1, § 172-09-020, filed 1/23/73.]

[Title 172 WAC—p. 6]

WAC 172-09-025 Exempted records. In accordance with section 31 of Initiative 276, the following personal and other records are exempt from the definition of "public record" and will not be produced upon demand:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(2) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(4) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(5) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(6) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(7) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(8) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(9) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(10) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

[Order 73-1, § 172-09-025, filed 1/23/73.]

WAC 172-09-030 Description of central and field organization at Eastern Washington State College. (1) Eastern Washington State College is located on a campus largely contained within the city of Cheney, Washington. This campus comprises the central headquarters for all oper-

ations of the college; any "field" activities of the college are directed and administered by personnel located on the campus at Cheney. The college is administered by a board of trustees appointed by the governor; such board normally meets at least once every calendar month.

(2) In accordance with the bylaws at Eastern Washington State College, which bylaws are obtainable at the office of the president, the college is organized into divisions administered by vice presidents. Specifically, academic matters are the concern of a vice president for academic affairs, business and physical planning functions and activities are the responsibility of the vice president for business and management, and student affairs are the responsibility of the vice president for student services. All vice presidents are directly responsible for the operations of all deans, department heads, faculty, and classified personnel operating within their divisions. The vice presidents directly report to the president of the college.

[Order 73-1, § 172-09-030, filed 1/23/73.]

WAC 172-09-040 General course and method of decision making. (1) The formal procedures for decision making at the college are determined by the bylaws of the board of trustees at Eastern Washington State College and rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA). Accordingly, all rules, orders, or directives, or regulations of the college which affect the relationship of the general public with the institution, or the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other,

(a) The violation of which subjects the person to a penalty of administrative sanction; or

(b) Which establishes, alters, or revokes any procedures, practice or requirement relating to institutional hearings; or

(c) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law;

are implemented only through the procedures of the HEAPA. In accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admissions; academic advancement, academic credits, graduation, and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

(2) Other formal procedures may appear within the bylaws of Eastern Washington State College and may relate to such things as matters that must be first considered by the faculty senate or subcommittees thereof or by the associated students at Eastern Washington State College or subcommittees thereof prior to their consideration by the board of trustees. Requirements regarding such prior considerations by any

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faculty or student or any other college group also appear in the bylaws of Eastern Washington State College.

[Order 73-1, § 172-09-040, filed 1/23/73.]

WAC 172-09-050 Informal procedures regarding the general course and methods of decision. Informal procedures regarding the methods and general course of operations at Eastern Washington State College are, for the purposes of these rules, either:

(1) Decisions made by persons authorized by board resolution the president, vice president or any designee to make a decision within the scope of responsibility assigned to such person; or

(2) Methods of human persuasion utilized by any member of the college's constituencies or of the public to attempt to influence one in power to make decisions within that person's scope of responsibility.

[Order 73-1, § 172-09-050, filed 1/23/73.]

WAC 172-09-060 Designation of public records officers. (1) In accordance with the requirements of Initiative 276, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official records while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the college shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in the administration building of the college; his exact location and name can be determined by inquiring at the office of the president of the college.

(3) Those persons reporting directly to the "public records officer" with other responsibilities relative to public records are:

(a) A "college records officer" who shall be responsible for compiling and maintaining the index required by Initiative 276;

(b) A "policy records officer" who shall be located in the office of the president of the college;

(c) A "civil service personnel records officer" who shall be the personnel director of the college;

(d) A "faculty personnel records officer" who shall be the vice president for academic affairs or his designee; and

(e) An "administrative personnel records officer" who shall be located within the office of the president and reporting directly to the president.

(f) Any other position designated in writing by the president. Such designation shall be available at the office of the president.

(4) In any cases where a question arises as to whether a given public record is a responsibility of one records officer or the other, the determination of such ministerial responsibility shall be made by the public records officer, or the president of the college.

[Order 73-1, § 172-09-060, filed 1/23/73.]

WAC 172-09-070 Availability for public inspection and copying of public records. (1) Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the college or its representative agree on a different time.

[Order 73-1, § 172-09-070, filed 1/23/73.]

WAC 172-09-080 Requests for public records. In accordance with the Initiative 276 requirements that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer or any other of the persons designated by this chapter as a custodian of certain college records, per WAC 172-09-060. Such request shall include the following:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made; and
- (c) If the matter requested is referenced within the current index maintained by the college records officer, a reference to the requested record as it is described in such current index;
- (d) If the requested matter is not identifiable by reference to the college records current index, a statement that succinctly describes the record requested;
- (e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the college person to whom the request is being made to assist the member of the public in succinctly identifying the public record requested.

[Order 73-1, § 172-09-080, filed 1/23/73.]

WAC 172-09-090 Charges for copying. (1) No fee shall be charged for inspection of public records. Eastern Washington State College may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the college for its actual costs incident to such copying.

(2) No person shall be released a record which has been copied by photostatic process until and unless the person requesting the copied public record has tendered payment for such copying to the records official from whom the public record was obtained, or to any person designated by such records official.

[Order 73-1, § 172-09-090, filed 1/23/73.]

WAC 172-09-100 Determination regarding exempt records. (1) The college reserves the right to determine that a public record requested in accordance with the procedures of

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this chapter is exempt under the provisions of section 31 of Initiative 276. Such determination may be made in consultation with any of the records officers of the college, the president or a vice president of the college, or an assistant attorney general assigned to the college.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether his request for a public record will be honored.

(3) All denials of requests for public records must be accompanied by a written statement specifying the specific reasons therefor.

[Order 73-1, § 172-09-100, filed 1/23/73.]

WAC 172-09-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record shall petition for prompt review of such decision by tendering a written request for a review of such denial. Such written request by a person demanding prompt review shall specifically reference the written statement by the college denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the college or any of his designees, which for the purposes of this section may include any vice president of the college, shall consider such petition.

(3) During the course of the two business days in which the president or his designee reviews the decision of the public records officer denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the college shall be extended to a period not exceeding one business day after such person requesting review has appeared before the president or his designee.

(4) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the college fully to comply with the intent of Initiative 276 insofar as it requires providing full public access to official records, but shall also consider the exemptions provided in section 31 of Initiative 276 and the requirement of section 29 of that same initiative insofar as it requires the college to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Order 73-1, § 172-09-110, filed 1/23/73.]

WAC 172-09-120 Repealer. Chapter 172-56 WAC, "Access to public records and documents at Eastern Washington State College," which was promulgated by the board of trustees on June 23, 1972, is hereby repealed.

[Order 73-1, § 172-09-120, filed 1/23/73.]

WAC 172-09-200 Academic transcripts of Eastern Washington State College students. (1) Objective information of a public nature will be provided without a signed release by the students. Public information shall include student name, address, telephone number, dates of attendance, current enrollment status, degree(s) received, and other schools attended.

(2) All other information contained in student records shall be deemed personal information concerning a student, per section 31 of Initiative 276, and will not be released without the written authorization of the student.

(3) Unless the student has instructed the registrar's office not to release copies of his or her transcript without his written authorization, academic information from the transcript will be released when it is clear the institution is being cited as an educational reference.

[Order 73-3, § 172-09-200, filed 2/20/73.]

Chapter 172-64 WAC

ALCOHOL POLICY AT EASTERN WASHINGTON UNIVERSITY

WAC

172-64-010	Statement of purpose.
172-64-020	Introduction.
172-64-030	Policy statement.
172-64-040	Washington state law.
172-64-050	Locations where those of legal drinking age may possess, consume, or serve alcoholic beverages.
172-64-060	Guidelines for university recognized events serving alcohol.
172-64-070	Guidelines for the selling of alcohol at university recognized events.
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172-64-090	Guidelines for off-campus events.
172-64-100	Guidelines for serving alcohol at nonuniversity sponsored events.
172-64-110	University enforcement of alcohol policy.
172-64-120	Violations of local, state, and federal law.
172-64-130	Student violations of the university alcohol policy.
172-64-140	Employee violations of the university alcohol policy.

WAC 172-64-010 Statement of purpose. The purpose of this policy is to further the university mission by creating a safe environment for student learning. To accomplish this, the university will support the enforcement of federal, state, and local laws, as well as its own alcohol and drug policies and procedures. The university will also encourage university functions in a controlled environment that reduces risk and creates positive experiences. This policy recognizes community standards of responsibility and accountability in the use of alcohol and the expectation that individuals have a right to learn, to work, and to live free from the disruptions and consequences of alcohol abuse by others. It is the responsibility of every member of the university community to know the risks associated with the use and abuse of alcohol and to assist the university, its faculty, staff, administrators, and stu-

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dents in creating an environment that promotes health-enhancing attitudes and activities.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-010, filed 8/29/03, effective 9/29/03.]

WAC 172-64-020 Introduction. At Eastern Washington University, diversity of opinion and freedom of choice involves the exercise of personal responsibility that includes the obligation to make sound judgments regarding the use of alcohol. This alcohol policy was developed by a community-wide committee of faculty, administrators, students, and Cheney and Spokane community members as a reasonable set of standards to enhance a positive campus environment. These rules and regulations are an important and necessary part of the overall commitment of a comprehensive alcohol education program at EWU. In addition to these guidelines, the most important factor in the reduction of alcohol-related problems is the human capacity to act responsibly. Therefore, the university has an expectation that individuals and groups know and understand the risk and liability associated with the consumption of alcoholic beverages.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-020, filed 8/29/03, effective 9/29/03.]

WAC 172-64-030 Policy statement. Eastern Washington University allows the legal use, possession, and distribution of alcohol on campus under the conditions stipulated in this policy and complies with and upholds all federal, state, and local laws that regulate or prohibit the possession, use, or distribution of alcohol. Violations of such laws that come to the attention of university officials will be addressed within the university or through prosecution in the courts, or both. All university faculty, staff, administrators, and students are hereby notified of the following standards of conduct that the university will apply to all activities conducted on university owned property and at university sponsored events. Furthermore, these standards will apply to all guests on university owned property and at university sponsored events. It is the responsibility of all members of the university community to familiarize themselves and their guests with relevant federal, state, and local laws as well as the following standards, procedures, and guidelines for the possession, use, and distribution of alcohol, and act accordingly.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-030, filed 8/29/03, effective 9/29/03.]

WAC 172-64-040 Washington state law. Members of the university community are responsible for the observance of state and federal laws including those that apply to alcohol. Some of the laws most relevant to the university community are the following:

(1) It is unlawful:

(a) For anyone under twenty-one years of age to possess alcohol (RCW 66.44.270);

(b) To sell, purchase, deliver, or furnish alcohol, except a parent or legal guardian, to anyone under twenty-one years of age (RCW 66.44.270);

(c) To sell purchase, deliver, or furnish alcohol to an intoxicated person (RCW 66.44.200);

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(d) To consume alcohol in a public place, exceptions defined in RCW 66.44.100;

(e) To misrepresent one's age to obtain alcohol (RCW 66.44.310);

(f) To drive under the influence of alcohol (RCW 46.61.502 and 46.61.503).

(2) Driving under the influence:

(a) It is unlawful to drive if your blood or breath alcohol concentration (BAC) meets or exceeds 0.08 percent or under the influence of drugs (RCW 46.61.502);

(b) It is unlawful to drive if alcohol has impaired your ability to drive safely, even if your BAC is under the legal limit (RCW 46.61.503);

(c) For a person under the age of twenty-one, it is unlawful to drive if your blood or BAC meets or exceeds 0.02 percent (RCW 46.61.503).

(3) Open container law:

(a) Alcoholic beverages may not be consumed in a vehicle nor be carried within reach of the driver or passengers. Open containers may be carried in a trunk or nonpassenger areas (not glove boxes). Does not apply to vehicles commercially chartered by groups or to the living quarters of motor homes or campers (RCW 66.44.100 and 46.61.519).

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-040, filed 8/29/03, effective 9/29/03.]

WAC 172-64-050 Locations where those of legal drinking age may possess, consume, or serve alcoholic beverages.

(1) Inside individual rooms of residence halls, where all residents of the room are of legal drinking age (whether or not all residents are home), all present in the room are of legal drinking age, and the residence hall is not designated substance free and/or clean and sober.

(2) Inside fraternity and sorority facilities, in accordance with respective national organizational policies and university guidelines.

(3) Areas owned or controlled by the university, in accordance with the following guidelines for the use, possession, and sale of alcohol.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-050, filed 8/29/03, effective 9/29/03.]

WAC 172-64-060 Guidelines for university recognized events serving alcohol. Any person or group of persons holding a function at a location where consumption of alcoholic beverages is permitted under the provisions of this policy shall abide by the following regulations in preparing for and conducting the function. Additional guidelines for serving and consumption of alcoholic beverages may be established by the person or group holding the function.

(1) Obtaining permission to serve alcohol.

(a) Written permission for a function sponsored by an individual or group, at which alcohol will be available, must be obtained from the president or his/her designee, along with a banquet permit application. Decisions regarding the approval or denial of permission to serve alcohol shall be made according to what is deemed to be in the best interest of the institution as expressed by the university mission statement and this policy's statement of purpose. Reasons for denial of a permit may include but are not limited to: Conflict

with primary academic use of facilities; performance record of sponsors in prior events; or failure to satisfy guidelines.

(b) Such approved function shall be subject to the regulations set forth in this policy. Complete information on procedures to obtain permission is available at numerous locations on campus.

(c) Permission to serve or consume alcohol must be requested seven days prior to the event.

(2) Proof of age and access to alcohol.

(a) The person or group(s) holding the event must establish precautionary measures (check identification) at the function to ensure that alcoholic beverages are not served to persons under the legal drinking age or to persons who appear intoxicated.

(b) At the function, a person (or persons) over the legal drinking age must be designated as the server(s). It is the responsibility of the designated server(s) to enforce proof of age and access to alcohol regulations as outlined in the banquet permit application and this policy.

(c) The only alcoholic beverages that may be possessed or consumed at the function are those alcoholic beverages served at the function, and the alcoholic beverages must be consumed within the designated area in which the function is held.

(3) Alternative beverages. Nonalcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.

(4) Security measures. The university police department shall, when informed of activities and events involving alcoholic beverages, determine appropriate security measures to be taken and coordinated with the events' sponsor and appropriate administrative staff of the university as may be necessary to assist in compliance with state laws and university regulations.

(5) Publicity and advertising.

(a) All announcement(s) or advertisement(s), including but not limited to flyer(s), notice(s), poster(s), banner(s), tee-shirts(s) and newspaper and radio announcement(s), concerning the function shall note the availability of nonalcoholic beverages as prominently as the availability of alcoholic beverages; and that proper identification is required in order to be served or sold alcoholic beverages; and must not make reference to the amount of alcoholic beverages available, as, for example, the number of kegs of beer available at the event; nor to any form of drinking contest.

(b) Advertising which promotes university events must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success.

(c) Promotion of alcoholic beverage brands at the activity must not encourage any form of alcohol abuse nor place emphasis on quantity and frequency of use.

(d) Alcoholic beverages, such as kegs or cases of beer, shall not be provided as free awards, prizes or rewards, to individual(s) or groups.

(6) Prohibition of drinking games. Drinking contests or any other activities which encourage the rapid and/or excessive consumption of alcoholic beverages shall not be permitted.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-060, filed 8/29/03, effective 9/29/03.]

WAC 172-64-070 Guidelines for the selling of alcohol at university recognized events. (1) Any function sponsored by faculty, staff, administrators, or students or a faculty, staff, administrator, or student group(s) at which alcoholic beverages are sold or served, whether or not the function is open to the public, may be held in those areas permitted under the provisions of this policy only after a banquet permit and written approval is obtained for such function from the president or his/her designee.

(2) Functions at which alcoholic beverages are sold shall include functions at which alcoholic beverages are served and for which an admission fee is charged, at which cups are sold, at which tickets are sold, at which cash or anything else of value is exchanged for alcoholic beverages, or at which donations are collected by the group, or members thereof, sponsoring the function. Functions open to the public shall be defined as those functions to which the general public has been invited through oral, written, or printed announcement(s), advertisement(s) or invitation(s).

(3) Consideration of all the policy guidelines already outlined must be presented when requesting permission to serve or sell alcohol.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-070, filed 8/29/03, effective 9/29/03.]

WAC 172-64-080 Guidelines for university social events in conjunction with alcohol vendors. Faculty, staff, administrator, or student group(s) may sponsor an activity involving a commercial off-campus vendor involved in the manufacture, distribution, or retail sales of alcoholic beverages. Sponsors of university events may invite vendors of alcoholic beverages to provide and/or sell alcoholic beverages for the event; however, vendors of alcoholic beverages cannot sponsor university activities. University groups(s) and organization(s) may involve the services of a vendor of alcoholic beverages under the following guidelines:

(1) The group(s) sponsoring the activity shall be responsible for all aspects of the activity, including all publicity and advertising.

(2) Advertising and publicity must reflect sole sponsorship of the event as being that of the group(s).

(3) Advertising or announcements (posters, banners, flyers, radio and newspaper advertisements, tee-shirts, etc.) may reflect a vendor's involvement, but must not indicate or convey sponsorship by the vendor.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-080, filed 8/29/03, effective 9/29/03.]

WAC 172-64-090 Guidelines for off-campus events. University recognized events held off-campus, are expected to abide by the university alcohol policy guidelines for proof of age and access to alcohol; alternative beverages; publicity and advertising; and prohibition of drinking games, in addition to all applicable state laws and local ordinances. Faculty, staff, administrators, students, and their organizations are subject to disciplinary action by the university as it relates to violations of laws, ordinances, and university rules.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-090, filed 8/29/03, effective 9/29/03.]

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WAC 172-64-100 Guidelines for serving alcohol at nonuniversity sponsored events. Any individual or group of individuals who are not affiliated with Eastern Washington University, who wish to use university property for an event (i.e., weddings, community group meetings, etc.), must comply with all state and local laws and with this policy.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-100, filed 8/29/03, effective 9/29/03.]

WAC 172-64-110 University enforcement of alcohol policy. This enforcement policy applies to any violation of the federal, state, and local laws; and the university alcohol policy.

Responsibility for compliance with these regulations and with all applicable laws will be incumbent upon all members of the university community, including all faculty, staff, administrators, students, and their guests.

The sanctions imposed under this policy do not diminish or replace the penalties available under generally applicable civil or criminal laws. The university community is reminded that many violations of the standards may violate various federal, state, and local laws. In addition to the division of students affairs and the dean of students; residential life and housing; individual academic units; human resources; and Greek life may maintain internal policies and procedures for violations of the university alcohol policy, and may impose sanctions against individuals and groups in violation of their policies involving alcohol.

The university alcohol policy shall apply to every function or event, social event, and campus-wide activity sponsored by organizations or individuals associated with the university. In addition, off-campus university events that imply or express university affiliation are bound by this policy. This policy also applies to activities at all university campus sites.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-110, filed 8/29/03, effective 9/29/03.]

WAC 172-64-120 Violations of local, state, and federal law. Violations of local, state, and federal law may be referred to local law enforcement. Violations that might lead to consultation with local law enforcement officials for possible prosecution include the following:

- (1) Use of alcohol by minors;
- (2) Alcohol-related behavior that is dangerous, destructive, disruptive, or illegal;
- (3) Use of or furnishing of false identification to purchase or be served alcohol;
- (4) Furnishing alcohol to anyone under twenty-one years of age.

Violations involving students will be reported to the dean of students.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-120, filed 8/29/03, effective 9/29/03.]

WAC 172-64-130 Student violations of the university alcohol policy. (1) Student violations of the university alcohol policy will be considered violations of the student conduct code.

(2) A broad range of consequences can be considered. For individual students, consequences can include:

- (a) Mandatory attendance at a prevention education program;
- (b) Loss of privileges, restitution, community service, and/or fines;
- (c) Eviction from university owned or controlled housing;
- (d) Suspension and/or dismissal from the university, or;
- (e) Some combination of the above.
- (3) For student groups, possible consequences can include:
 - (a) Suspension of privileges;
 - (b) Probation;
 - (c) Fines;
 - (d) Removal of officers from office;
 - (e) Elimination of student fee support from the university; and
 - (f) Suspension, or forced disbandment.
- (4) The revised (October 1998) Federal Educational Rights and Privacy Act allows for institutions of higher education to disclose, to a parent or legal guardian of a student, information regarding any violation of any federal, state, or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether the information is contained in the student's education records, if (a) the student is under the age of twenty-one; and (b) the institution determines that the student has committed a disciplinary violation with respect to such use or possession.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-130, filed 8/29/03, effective 9/29/03.]

WAC 172-64-140 Employee violations of the university alcohol policy. Violations of this policy may result in:

- (1) Disciplinary action, including termination of employment, in accordance with applicable personnel rules, chapter 251-11 WAC for classified employees, and EWU policies and procedures manual for other employees, collective bargaining agreements, or other policies of the university and/or;
- (2) The requirement of satisfactory participation in evaluation and/or treatment in an approved chemical dependency assistance or rehabilitation program.

[Statutory Authority: RCW 28B.35.120(12). 03-18-070, § 172-64-140, filed 8/29/03, effective 9/29/03.]

Chapter 172-65 WAC

USE OF ALCOHOLIC BEVERAGES BY STUDENTS TWENTY-ONE YEARS AND OLDER IN RESIDENCE HALLS AND OTHER STUDENT HOUSING AT EASTERN WASHINGTON UNIVERSITY

WAC

172-65-010	Introduction and purpose.
172-65-020	Jurisdiction.
172-65-030	General prohibition against drinking in public places.
172-65-040	Limited rights to consume and possess alcoholic beverages accorded.
172-65-050	Sales of alcoholic beverages prohibited.
172-65-060	Roommate preference allowed.
172-65-070	Information relative to rules must be provided.
172-65-080	Reports of violations required.
172-65-090	Organizations responsible for conduct.

WAC 172-65-010 Introduction and purpose. Washington state law permits persons who are the age of twenty-one years and older to possess and consume alcoholic beverages as defined by Washington state law, the trustees at Eastern Washington University adopt the following regulations for the purpose of establishing rules governing the consumption and possession of alcoholic beverages by the persons within the privacy of Eastern Washington University student residence halls and other student housing. The regulations are subject to all the limitations imposed by state law, and if any part of these regulations are declared inconsistent with state law by legislative amendment or a judgment by a court of competent jurisdiction, the regulations shall be deemed amended to the extent of the inconsistency, but the remainder of these regulations shall remain in full force and effect.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-010, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-010, filed 11/26/71.]

WAC 172-65-020 Jurisdiction. The scope of these rules applies to the residence halls and other student housing located on and properties owned or controlled by Eastern Washington University.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-020, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-020, filed 11/26/71.]

WAC 172-65-030 General prohibition against drinking in public places. (1) Drinking of alcoholic beverages is prohibited in public places by Washington state law. This prohibition applies to all functions open to the public, such as entertainment, dances, and athletic events, and also applies to all entrances, hallways, corridors, lounges, and reception areas of the residence living units and to all academic buildings.

(2) The university shall not deem the general prohibition of this section applicable to the consumption of liquor on public places designated in any special banquet permit issued to an event sponsor by the state liquor control board: Provided, That prior written approval of the event sponsor's application for the permit has been given by the university.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-030, filed 4/20/92, effective 5/21/92; Order 74-9, § 172-65-030, filed 11/25/74; Order 71-1, § 172-65-030, filed 11/26/71.]

WAC 172-65-040 Limited rights to consume and possess alcoholic beverages accorded. (1) For purposes of these regulations, the university recognizes that the students' individual residence hall rooms and other individual student housing constitute private places to which the general public does not have an unrestricted right of access, and are therefore not public places within the meaning of RCW 66.04.010(23) (which defines what is a public place as far as the law prohibiting consumption of liquor in a public place is concerned), if the rooms are not actually utilized as public places.

(2) Students who are twenty-one years and older are permitted to possess and consume alcoholic beverages on an individual basis in the privacy of the residence hall rooms or other places of residence.

(3) Due to the physical conditions in residence halls and other student housing, the possession and consumption of alcohol in the privacy of the room and other housing shall not

infringe on the privacy and peace of other individuals. Any infringement on the privacy and peace of an individual inhabitant of the residence hall or other student housing shall, regardless of the age of the offending individual, be considered a violation of university regulations and therefore subject to disciplinary action under the Eastern Washington University student conduct code.

(4) Keggers, cocktail parties, or similar functions are not permitted and any student or students who host such a function will be subject to disciplinary action under the Eastern Washington University student conduct code. Any student who infringes on the privacy and peace of other individuals while attending such a function will also be subject to disciplinary action.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-040, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-040, filed 11/26/71.]

WAC 172-65-050 Sales of alcoholic beverages prohibited. Alcoholic beverages in any form may not be sold in student housing nor may residence hall or housing funds be used for the purchase of any alcoholic beverages.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-050, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-050, filed 11/26/71.]

WAC 172-65-060 Roommate preference allowed. A student planning to live in a residence hall will be allowed to state a preference for a roommate who does or does not drink alcohol. If possible, this request will be honored by housing officials making room assignments.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-060, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-060, filed 11/26/71.]

WAC 172-65-070 Information relative to rules must be provided. (1) Each residence hall director will hold an orientation session for residents of the hall each quarter for the express purpose of discussing the policy and regulations regarding possession and consumption of alcohol.

(2) The university shall print, post and distribute the policy about alcohol, and the relevant portions of the laws of the state of Washington.

(3) The policy (with laws) will be posted in each residence hall.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-070, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-070, filed 11/26/71.]

WAC 172-65-080 Reports of violations required. (1) Behavioral problems resulting from drinking will be referred to the appropriate student court or to the appropriate university official.

(2) Unlawful drinking will be reported to university police.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-080, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-080, filed 11/26/71.]

WAC 172-65-090 Organizations responsible for conduct. The university does not encourage the consumption of alcoholic beverages at functions sponsored by Eastern Washington University or by recognized organizations affiliated with Eastern Washington University. Organizations are held responsible for the conduct of their members at functions

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sponsored by that organization and for their failure to comply with Washington state law.

[Statutory Authority: RCW 28B.35.120(12). 92-09-103, § 172-65-090, filed 4/20/92, effective 5/21/92; Order 71-1, § 172-65-090, filed 11/26/71.]

Chapter 172-66 WAC

APPLICATION FOR A LIQUOR LICENSE PERMITTING BEER TO BE SOLD FOR ON-CAMPUS PREMISES CONSUMPTION

WAC

172-66-010	Purpose.
172-66-020	Initial procedures.

WAC 172-66-010 Purpose. The board of trustees of Eastern Washington State College hereby declares that it does approve the sale of beer on the premises of Eastern Washington State College, and reserves the right to subsequently adopt rules and regulations governing the same. In order to implement the required legal procedures precedent to obtaining authorization to sell beer on campus, the following rules contained within this chapter are promulgated.

[Order 73-3, § 172-66-010, filed 1/30/73.]

WAC 172-66-020 Initial procedures. The board of trustees hereby delegates to the president of the college or his designee the responsibility for investigating and establishing a program to implement the board's policy of permitting beer to be sold on campus. Such program, which may be implemented only with board approval, shall include but not be limited to the following requisite procedures:

(1) A determination by the president as to whether beer to be sold on campus shall be accomplished through a private contractor, or through a division or agency of the college.

(2) If a private contractor is to be the operator of any concession on the campus that does sell beer in any manner permitted by the state liquor board, a determination as to what shall be the nature of such concessionaire-college agreement and the monetary arrangement between the college and the concessionaire.

(3) A determination as to whether a concessionaire or the college will be an applicant to the state liquor board for a beer retailer's license, as permitted at chapter 66.24 RCW.

(4) Designation of the type of liquor license to be requested by the concessionaire, if selected, or the college, since the type of license dictates whether beer may be sold in draft, bottle only, or whether unpasteurized beer may be sold on campus.

[Order 73-3, § 172-66-020, filed 1/30/73.]

Chapter 172-108 WAC PROCEDURAL RULES

WAC

172-108-010	Matters subject to brief adjudication.
172-108-020	Appointment of presiding officer.
172-108-030	Method of recording.
172-108-040	Application for adjudicative proceeding.
172-108-050	Discovery.
172-108-060	Procedure for closing parts of the hearings.
172-108-070	Recording devices.
172-108-080	Petitions for stay of effectiveness.
172-108-090	Adoption of model rules of procedure.

WAC 172-108-010 Matters subject to brief adjudication. This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. When required by law or constitutional right, brief adjudicative proceedings shall be used in all matters of appeal related to: (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office; (2) challenges to contents of education records, review of the denial to obtain such records, or challenges to the transferability of such records. The procedural rules of chapter 172-190 WAC apply to these proceedings; (3) student conduct proceedings. The procedural rules in chapter 172-120 WAC apply to these proceedings; (4) outstanding debts owed by employees, or outstanding debts owed by students pursuant to chapters 172-124 and 172-144 WAC; and (5) traffic and parking violations and revocations of any parking permit pursuant to WAC 172-116-315 or 172-116-175.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-010, filed 4/20/92, effective 5/21/92.]

WAC 172-108-020 Appointment of presiding officer. The president of Eastern Washington University or an authorized designee shall have the power to appoint presiding officer for formal and brief adjudicative proceedings. The term, presiding officer, shall mean one or more presiding officers as appointed by the president or authorized designee. The presiding officer shall be either an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff or student body; a panel of individuals; the president or authorized designee; or any combination of the above. Where more than one individual is designated to be the presiding officer, one person may be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-020, filed 4/20/92, effective 5/21/92.]

WAC 172-108-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-030, filed 4/20/92, effective 5/21/92.]

WAC 172-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available from: Office of the Rules Coordinator; Eastern Washington University; Cheney, WA 99004-2496. Written application for an adjudicative proceeding in response to the institution's action should be submitted to the above address within 20 days of the action, unless otherwise provided by statute or rule.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-040, filed 4/20/92, effective 5/21/92.]

WAC 172-108-050 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery the presiding officer shall make reference to the civil rules of procedure.

The presiding officer has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-050, filed 4/20/92, effective 5/21/92.]

WAC 172-108-060 Procedure for closing parts of the hearings. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-060, filed 4/20/92, effective 5/21/92.]

WAC 172-108-070 Recording devices. No cameras or recording devices are allowed in those parts of proceedings which the presiding officer has determined closed pursuant to WAC 172-108-060, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-070, filed 4/20/92, effective 5/21/92.]

WAC 172-108-080 Petitions for stay of effectiveness. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer or body of officers, who entered the final order.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-080, filed 4/20/92, effective 5/21/92.]

WAC 172-108-090 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are found in chapter 10-08 WAC. Procedural rules adopted by this institution shall govern in the event that a conflict exists. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

[Statutory Authority: RCW 28B.35.120(12). 92-09-100, § 172-108-090, filed 4/20/92, effective 5/21/92.]

Chapter 172-116 WAC

TRAFFIC AND PARKING REGULATIONS

WAC

172-116-010	Introduction.
172-116-015	Definitions.
172-116-020	Purposes of regulations.
172-116-030	Applicable rules and regulations.
172-116-040	Authority of officers.
172-116-050	Permits required to park on university property.
172-116-060	Definition of valid parking permit.
172-116-080	Display of permits.
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172-116-110	Student, faculty, and staff permits.
172-116-130	Handicapped parking.
172-116-140	Special permits.
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172-116-160	Car pool permits.
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172-116-200	Prohibited areas.
172-116-210	Parking within designated spaces.
172-116-220	Abandoned, disabled, and inoperative vehicles.
172-116-230	Impounding or immobilizing illegally parked vehicles.
172-116-240	Liability of university.
172-116-250	Parking violations.
172-116-260	Regulatory signs.
172-116-270	Rules and regulations available.
172-116-280	Special traffic and parking regulations and restrictions authorized.
172-116-290	Effective hours of operation.
172-116-300	Fees.
172-116-310	Fines.
172-116-315	Citation appeal.
172-116-320	Nonpayment of fines.
172-116-330	Disposition of fees and fines.
172-116-340	Refunds.
172-116-345	Motorscooters—Bikes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-116-070	Where to purchase permits. [Order 72-10, § 172-116-070, filed 9/20/72.] Repealed by Order 75-4, filed 4/10/75.
172-116-100	Allocation of parking space and priorities of applicants. [Order 75-4, § 172-116-100, filed 4/10/75; Order 72-10, § 172-116-100, filed 9/20/72.] Repealed by 82-07-038 (Resolution No. 82-01), filed 3/15/82. Statutory Authority: RCW 28B.35.120.
172-116-120	Student permits. [Order 72-10, § 172-116-120, filed 9/20/72.] Repealed by 82-07-038 (Resolution No. 82-01), filed 3/15/82. Statutory Authority: RCW 28B.35.120.
172-116-180	Athletic parking. [Order 72-10, § 172-116-180, filed 9/20/72.] Repealed by Order 75-4, filed 4/10/75.
172-116-185	Special events parking. [Order 75-4, § 172-116-185, filed 4/10/75.] Repealed by 82-07-038 (Resolution No. 82-01), filed 3/15/82. Statutory Authority: RCW 28B.35.120.

WAC 172-116-010 Introduction. The rules and regulations provided in this chapter have been established by the board of trustees of Eastern Washington University acting on behalf of Eastern Washington University to govern pedestrian traffic and vehicular traffic and parking upon all state lands devoted to the educational, recreational, research, and living activities of Eastern Washington University.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-010, filed 3/15/82; Order 72-10, § 172-116-010, filed 9/20/72.]

WAC 172-116-015 Definitions. (1) **Motor vehicle:** Every vehicle which is self-propelled.

(2) **Motorcycle:** A motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground.

(3) **Motor scooter:** A motor driven vehicle with two wheels less than 18 inches in diameter.

(4) **Decal:** Either a decal sticker or guest, service permit.

(5) **Parking services:** Office of parking services is same as office of campus safety.

(6) **Parking supervisor:** Parking supervisor is same as director of parking services.

(7) **Campus police:** Office of campus police is same as office of campus safety.

(8) **Chief of police:** Chief of campus police or chief of campus safety.

(9) **Citation:** May be a parking citation or a misdemeanor citation.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-015, filed 3/15/82.]

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WAC 172-116-020 Purposes of regulations. The purposes of these regulations are:

(1) To control parking on university owned or university leased parking lots.

(2) To assure access at all times for emergency equipment.

(3) To expedite Eastern Washington University business, protect state property, and provide maximum safety and convenience.

(4) To provide funds to obtain and maintain suitable campus parking and traffic facilities.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-020, filed 3/15/82; Order 74-1, § 172-116-020, filed 1/24/74; Order 72-10, § 172-116-020, filed 9/20/72.]

WAC 172-116-030 Applicable rules and regulations. The traffic and parking regulations which are applicable upon state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington University are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington;

(2) Special regulations set forth in this chapter.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-030, filed 3/15/82; Order 72-10, § 172-116-030, filed 9/20/72.]

WAC 172-116-040 Authority of officers. The employees of the Eastern Washington University office of campus police when duly sworn shall be peace officers of the state of Washington and have such police powers as are vested in sheriffs and peace officers generally under the laws of the state of Washington pursuant to RCW 28B.10.550, 28B.10.555, and by board resolution through which the board of trustees of Eastern Washington University did commission campus safety officers as peace officers of the state of Washington. Noncommissioned personnel of Eastern Washington University parking services shall have authority to enforce traffic and parking regulations on state lands devoted to the educational, recreational, research, and housing activities of Eastern Washington University. All action and decisions of noncommissioned personnel in the enforcement of traffic and parking regulations are subject to administrative review and approval.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-040, filed 3/15/82; Order 75-4, § 172-116-040, filed 4/10/75; Order 74-1, § 172-116-040, filed 1/24/74; Order 72-10, § 172-116-040, filed 9/20/72.]

WAC 172-116-050 Permits required to park on university property. Except as provided in subsections (1), (2), and (4) of this section, no vehicle shall park upon the land of Eastern Washington University without a permit issued by the parking supervisor or his authorized designee pursuant to the authority granted by the board of trustees of Eastern Washington University.

(1) Visitors shall secure a guest parking permit from the office of parking services, or park in metered spaces. Visitor parking fees may be established by the university.

(2) No vehicle shall be parked on university land except in those areas set aside as parking places or areas.

(3) No vehicle longer than a 3/4-ton pickup truck, no camper, trailer, or bus, and no pickup equipped with a camper shall park on a university parking lot without the special permission of the parking supervisor.

(4) Any vehicle, parking in a university parking lot which requires cash payment to park or which has been set aside for free parking, is not required to display a university parking permit.

(5) No parking permit shall be issued to any person who owes fines or fees under these regulations.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-050, filed 3/15/82; Order 75-4, § 172-116-050, filed 4/10/75; Order 72-10, § 172-116-050, filed 9/20/72.]

WAC 172-116-060 Definition of valid parking permit. A parking permit is a certification of permission to park in designated lots on the Eastern Washington University campus.

(1) The parking permit shall consist of a decal denoting the assigned parking lot and the academic quarter for which the vehicle is registered to park.

(2) A guest permit shall consist of a card issued by the office of parking services.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-060, filed 3/15/82; Order 72-10, § 172-116-060, filed 9/20/72.]

WAC 172-116-080 Display of permits. The parking permit will be placed as per instructions on the decal. Guest permits shall be displayed as per instructions.

(1) Permits not displayed as per instructions shall not be valid.

(2) Vehicles using straight-in or diagonal parking spaces shall park with the front of the vehicle headed into said spaces or toward the curb.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-080, filed 3/15/82; Order 75-4, § 172-116-080, filed 4/10/75; Order 72-10, § 172-116-080, filed 9/20/72.]

WAC 172-116-090 Responsibility of persons to whom permits are issued. The person to whom a permit is issued pursuant to these regulations shall be responsible for all violations of these regulations involving the vehicle for which the permit was issued and to which it was affixed.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-090, filed 3/15/82; Order 72-10, § 172-116-090, filed 9/20/72.]

WAC 172-116-110 Student, faculty, and staff permits. (1) Annual reserved parking stalls or parking spaces will be provided for those students, faculty and staff members requesting the same. Upon payment of the fee for such reserved parking, a sign shall be erected reserving the space by the number of the vehicle or vehicles which shall be allowed to park in that space. Quarterly reserved parking spaces are not available.

(2) Students, faculty, and staff shall be assigned to lots, and are restricted to parking in the assigned lot unless issued a special permit authorizing parking in other lots as provided in WAC 172-116-140.

(3) Students, faculty, and staff may purchase duplicate decals for additional vehicles, but only one decal vehicle may park in the parking lot for which the decal was pur-

chased. Such additional permits shall be issued for a handling fee. Violators of this section will be subject to a fine. All vehicles involved are subject to a fine.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-110, filed 3/15/82; Order 75-4, § 172-116-110, filed 4/10/75; Order 74-1, § 172-116-110, filed 1/24/74; Order 72-10, § 172-116-110, filed 9/20/72.]

WAC 172-116-130 Handicapped parking. Spaces or stalls shall be set aside in certain parking lots adjacent to campus buildings for the exclusive use of handicapped whose physical condition makes it difficult to go to and from classes and buildings.

(1) Persons wishing to utilize handicapped parking spaces must register as a handicapped person at the time that the parking permit is issued. The applicant may be required to secure a written statement from a qualified physician outlining the nature of the handicap and recommended preferred parking.

(2) The parking supervisor or his designee will authorize all handicapped permits.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-130, filed 3/15/82; Order 72-10, § 172-116-130, filed 9/20/72.]

WAC 172-116-140 Special permits. Students, faculty, and staff may be issued special permits authorizing parking in any campus lot. Special permits shall be on a "space available" basis only, and do not authorize parking in a reserved or handicapped space or stall. Applications for special permits shall be approved by the director of planning and budgeting services or his designee.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-140, filed 3/15/82; Order 75-4, § 172-116-140, filed 4/10/75; Order 74-1, § 172-116-140, filed 1/24/74; Order 72-10, § 172-116-140, filed 9/20/72.]

WAC 172-116-150 Visitors' permits. Guests, visitors, salesmen, servicemen, vendor representatives, and others doing business with the institution may be issued visitors' permits allowing them to park in designated lots on campus. A fee may be charged.

(1) Parking on the campus will not be provided to persons intending to make personal solicitations from or personal sales to university employees or students.

(2) Visitors' permits shall not allow the user to park in reserved, handicapped spaces or stalls.

(3) Visitors' permits shall be in the form provided in WAC 172-116-060(2).

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-150, filed 3/15/82; Order 75-4, § 172-116-150, filed 4/10/75; Order 72-10, § 172-116-150, filed 9/20/72.]

WAC 172-116-160 Car pool permits. Duplicate parking permits shall be issued to each car but shall not exceed five in number for each pool. A fee is assessed for each duplicate issued. At no time shall more than one vehicle bearing the decal number be parked in the lot for which the decal was purchased. Duplicate permits shall be purchased and signed for by the purchaser of the original decal. Violation of this section will be subject to a fine. All vehicles involved are subject to a fine.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-160, filed 3/15/82; Order 75-4, § 172-116-160, filed 4/10/75; Order 72-10, § 172-116-160, filed 9/20/72.]

WAC 172-116-170 Permit revocations. Parking permits are the property of the university and may be recalled, revoked, or suspended for violation(s) of any provision of the following. Citations may be issued for violations.

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used on an unregistered vehicle or by an unauthorized individual. The vehicle and/or permit holder shall be subject to citation.

(3) Falsification on a parking permit application shall be grounds for permit revocation.

(4) Continued violations of parking regulations may be grounds for permit revocation.

(5) Counterfeiting or altering of parking permits shall be grounds for permit revocation and subjects the offender to a citation.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-170, filed 3/15/82; Order 72-10, § 172-116-170, filed 9/20/72.]

WAC 172-116-175 Hearing provided. Cancellation or revocation of any parking permit because of any of the causes stated in WAC 172-116-170 (2) through (5) may be appealed to the parking supervisor.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-175, filed 3/15/82; Order 72-10, § 172-116-175, filed 9/20/72.]

WAC 172-116-190 Parking areas on campus. Each authorized parking lot on the Eastern Washington University campus shall be designated as such by a sign proclaiming that it is a parking lot and that only registered vehicles shall be allowed to park therein, excepting those lots requiring cash payments or special events parking. Each lot will be given a separate and distinguishing number or letter, and only vehicles assigned to that lot shall be allowed to park therein, except as provided in WAC 172-116-050(4) and 172-116-140.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-190, filed 3/15/82; Order 72-10, § 172-116-190, filed 9/20/72.]

WAC 172-116-200 Prohibited areas. No vehicle shall be parked in any driveway, emergency access, sidewalk, lawn, or any other area not designated as a parking lot. Unless otherwise provided for, no vehicle shall be parked within sixteen feet of any building or structure on the Eastern Washington University campus or in any area where a "No parking service drive" sign is posted. Loading and unloading permits are available at the office of campus safety. Violation of the above may result in vehicle being removed at owner's expense.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-200, filed 3/15/82; Order 72-10, § 172-116-200, filed 9/20/72.]

WAC 172-116-210 Parking within designated spaces.

(1) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of

more than one space or stall shall not constitute an excuse for a violation of this section.

(2) Certain areas may be set aside for the parking of compact vehicles and shall be so designated. Any other vehicle using such a space shall be subject to citation(s), impound, or both.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-210, filed 3/15/82; Order 72-10, § 172-116-210, filed 9/20/72.]

WAC 172-116-220 Abandoned, disabled, and inoperative vehicles. No disabled or inoperative vehicle shall be parked on the campus (without a decal) for a period in excess of twenty-four hours. Vehicles which have been parked for periods in excess of twenty-four hours and which appear to be disabled or inoperative may be impounded and stored at the expense of either or both the owner and operator thereof. Neither the university nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-220, filed 3/15/82; Order 72-10, § 172-116-220, filed 9/20/72.]

WAC 172-116-230 Impounding or immobilizing illegally parked vehicles. The parking supervisor or his authorized designee may order the impound and storage of, or immobilization of any vehicle parked in areas where parking is not allowed, or parked in a space reserved for another vehicle, or illegally parked in a handicapped space, or having unpaid citations against said vehicle. The impounding and storage shall be at the expense of either or both the owner and operator of the impounded vehicle. The owner or operator of the impounded vehicles shall not recover his vehicle until he has made arrangements with the parking supervisor. Neither the university nor its employees or representatives shall be liable for loss or damage of any kind resulting from such impounding, storage, or immobilization.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-230, filed 3/15/82; Order 75-4, § 172-116-230, filed 4/10/75; Order 74-1, § 172-116-230, filed 1/24/74; Order 72-10, § 172-116-230, filed 9/20/72.]

WAC 172-116-240 Liability of university. The university assumes no liability for vehicles parked on university properties. The university rents space to individuals desiring to park on the campus and who purchase a parking permit. However, no bailment is created by the purchase of a permit.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-240, filed 3/15/82; Order 72-10, § 172-116-240, filed 9/20/72.]

WAC 172-116-250 Parking violations. The following designated acts or practices will be deemed parking violations for which a violation citation may issue, impound occur, or both, in regard to:

(1) Parking a vehicle in a campus lot in which permits or payments are required, or when such vehicle is not registered or does not display a valid permit.

(2) Parking a vehicle in a space or stall reserved, unless the parked vehicle is registered for that space or stall.

(3) Parking a vehicle in a space or stall reserved for handicapped and not displaying a handicapped parking permit.

(4) Parking a vehicle in such a manner as to occupy more than one space or stall.

(5) Parking a vehicle in an area not specifically posted for parking, such as service areas, driveways, loading zones, or areas with yellow curb.

(6) Parking vehicles registered for student, faculty, or staff in a space or stall reserved for metered parking without paying meter fee.

Vehicles in violation of one or more of these rules and regulations shall be subject to citation on one or more of the violations and may be given more than one citation. The fact that that particular violation does not appear in this section, shall not be construed to mean that a violation of any of the remainder of the rules contained in this chapter does not exist, and shall not invalidate the citation lawfully issued under these rules, or be a defense for the appeal of the citation or limit the culpability of the person to whom the citation is issued.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-250, filed 3/15/82; Order 74-1, § 172-116-250, filed 1/24/74; Order 72-10, § 172-116-250, filed 9/20/72.]

WAC 172-116-260 Regulatory signs. Drivers of vehicles shall obey regulatory signs and signs related to the collection of parking fees posted by the university. Drivers of vehicles shall also comply with directions given them by the parking services officers or other representatives of the office of campus police in the control and regulations of traffic and parking.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-260, filed 3/15/82; Order 72-10, § 172-116-260, filed 9/20/72.]

WAC 172-116-270 Rules and regulations available. These rules and regulations shall be made available at the university information center and other appropriate locations on campus and shall be available in abbreviated form to all persons securing a parking permit at Eastern Washington University. Not being familiar with, or ignorance of one or more of these rules and regulations shall not constitute a defense for violation of a rule or regulation and shall not limit the culpability of a person to whom the violation citation is issued.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-270, filed 3/15/82; Order 75-4, § 172-116-270, filed 4/10/75; Order 72-10, § 172-116-270, filed 9/20/72.]

WAC 172-116-280 Special traffic and parking regulations and restrictions authorized. During emergencies, special events or extenuating circumstances the parking supervisor or chief of campus police or their designee are authorized to impose additional traffic and parking regulations or modify the existing rules and regulations. Emergencies, special events, and extenuating circumstances will be determined by the parking supervisor or chief of campus police.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-280, filed 3/15/82; Order 75-4, § 172-116-280, filed 4/10/75; Order 72-10, § 172-116-280, filed 9/20/72.]

WAC 172-116-290 Effective hours of operation. The traffic and parking regulations shall be effective at all times.

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[Order 72-10, § 172-116-290, filed 9/20/72.]

WAC 172-116-300 Fees. All faculty, staff, and student vehicles shall be issued parking permits upon payment of fees as approved by the board of trustees.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-300, filed 3/15/82; Order 75-4, § 172-116-300, filed 4/10/75; Order 72-10, § 172-116-300, filed 9/20/72.]

WAC 172-116-310 Fines. All fines will be paid at the office of campus safety, between the hours of 8:00 a.m. - 5:00 p.m., Monday through Friday. Fines shall be applied as approved by the board of trustees.

(1) Class A citations shall include: Parking in safety zones, handicapped spaces, reserved zones, service drives, bus zones, within fifteen feet of a fire hydrant, or altering or misuse of parking permit.

(2) Class B citations shall include: No parking permit, no valid permit, parked in no parking area, at expired meter, at/or over yellow curb/line, in wrong lot, in driveway, in loading zone, in visitor zone, on lawn or sidewalk, motorcycle off pavement, motorcycle in car space, vehicle immobilized, vehicle impounded, other violations as indicated.

(3) Fines for parking citations referred to EWU appeals board shall be at the rate determined by the members of said board and payable to campus safety.

(4) Fines levied on persons by the EWU appeals board upon appeal by the person to whom the citation was issued shall not exceed such fines as determined by the board of trustees. Said fines are payable at the office of campus safety.

(5) The parking supervisor or his designee is permitted to reduce or dismiss fines where mitigating circumstances are evident.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-310, filed 3/15/82; Order 75-4, § 172-116-310, filed 4/10/75; Order 74-1, § 172-116-310, filed 1/24/74; Order 72-10, § 172-116-310, filed 9/20/72.]

WAC 172-116-315 Citation appeal. Persons may appeal citations to the Eastern Washington University appeals board within seven calendar days of issuance of citations. The purpose of the board is to hear all appeals from all sectors of the campus community on an equal basis, to act on all appeals in an equitable fashion. The appeals board shall consist of voting members from the following groups: Associated students, classified staff, faculty, administrative exempt. The parking supervisor will act as a parking consultant to the board and vote only to break a tie. The board will meet one day a week, with additional hearings as are necessary. All results of the appeal board hearings will be posted on campus.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-315, filed 3/15/82; Order 75-4, § 172-116-315, filed 4/10/75.]

WAC 172-116-320 Nonpayment of fines. Nonpayment of fines is subject to collection methods used by parking services and the university.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-320, filed 3/15/82; Order 75-4, § 172-116-320, filed 4/10/75; Order 72-10, § 172-116-320, filed 9/20/72.]

WAC 172-116-330 Disposition of fees and fines. The director of planning and budgeting services shall deposit all proceeds from fees and fines collected pursuant to these regulations in the parking fund of the university. All costs of operating, maintaining, and patrolling the campus parking lots and all direct costs of administering these regulations shall be charged against this fund. The director of planning and budgeting services shall make an annual report of the surplus of revenue over expenses to the president.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-330, filed 3/15/82; Order 72-10, § 172-116-330, filed 9/20/72.]

WAC 172-116-340 Refunds. Refunds or fees shall be made in accordance with the schedules as approved from time to time, by the board of trustees.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-340, filed 3/15/82; Order 75-4, § 172-116-340, filed 4/10/75; Order 72-10, § 172-116-340, filed 9/20/72.]

WAC 172-116-345 Motorscooters—Bikes. Shall park in their designated areas as posted.

[Statutory Authority: RCW 28B.35.120. 82-07-038 (Resolution No. 82-01), § 172-116-345, filed 3/15/82.]

Chapter 172-118 WAC

RESTRICTIONS AND REGULATIONS FOR RECREATIONAL EQUIPMENT

WAC

172-118-010	Purpose.
172-118-020	Definitions.
172-118-030	Applicable rules and regulations.
172-118-040	Use of recreational equipment.
172-118-050	Parking regulations.
172-118-080	Registration of bicycles.
172-118-090	Enforcement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-118-060	Unauthorized use. [Order 72-12, § 172-118-060, filed 9/20/72.] Repealed by 92-22-028, filed 10/26/92, effective 11/26/92. Statutory Authority: RCW 28B.35.120.
172-118-070	Equipment. [Order 72-12, § 172-118-070, filed 9/20/72.] Repealed by 92-22-028, filed 10/26/92, effective 11/26/92. Statutory Authority: RCW 28B.35.120.

WAC 172-118-010 Purpose. The primary objectives of the rules and regulations set forth in this chapter are:

(1) To provide safety, traffic, and parking controls for the use of skateboards, roller skates, bicycles, motorcycles, and motor scooters upon all state lands devoted to the educational, recreational, research, and living activities of Eastern Washington University; and

(2) To protect, from physical damage and unnecessary wear, wooden and concrete benches, brick and paved walkways, stairs, steps, loading ramps, plazas, and ramps for the disabled, caused by the use of recreational equipment as included in subsection (1) of this section. Equipment for the disabled and equipment owned and operated by the university are exempt from this chapter.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-010, filed 10/26/92, effective 11/26/92; Order 72-12, § 172-118-010, filed 9/20/72.]

(2007 Ed.)

WAC 172-118-020 Definitions. For the purposes of this chapter the following definitions apply:

(1) A bicycle is any vehicle with three or less wheels and containing a saddle seat, and which is not motor driven.

(2) A motorcycle or motor scooter is any vehicle with three or less wheels and containing a saddle seat, and which is motor driven.

(3) A skateboard is a toy consisting of an oblong or rectangular board, made of wood, plastic, metal, or components thereof, with a pair of small wheels at each end, ridden as down an incline, usually in a standing position. It may be motorized.

(4) Roller skates are shoes with a set of wheels attached for skating over a flat surface, or a metal frame with wheels attached that can be fitted to the sole of the shoe. For the purposes of this chapter, roller blades are considered roller skates.

(5) A scooter is a foot-operated vehicle consisting of a narrow board mounted between two wheels, tandem with an upright steering handle attached to the front wheel.

Subsections (1) through (5) of this section are considered recreational equipment.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-020, filed 10/26/92, effective 11/26/92; Order 72-12, § 172-118-020, filed 9/20/72.]

WAC 172-118-030 Applicable rules and regulations. The safety, equipment, traffic, and parking regulations for bicycles, motorcycles, and motor scooters which are applicable upon the campus of Eastern Washington University are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington;

(2) The traffic code of the city of Cheney, Washington; and

(3) Special regulations set forth in this chapter.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-030, filed 10/26/92, effective 11/26/92; Order 72-12, § 172-118-030, filed 9/20/72.]

WAC 172-118-040 Use of recreational equipment. (1) No recreational equipment may be operated on sidewalks, walkways, lawns, or other property on the Eastern Washington University campus, except as provided in this chapter.

(2) Bicycles, motorcycles, and motor scooters may be operated any place where automobiles or other motor vehicles are permitted.

(3) Bicycles may be operated on university walkways in the mall area and the area surrounding Showalter Hall and between Science Hall and Parking Lot #3: Provided, That the bicycle is operated in a safe manner and in compliance with these regulations.

(4) Bicycle locks may be broken to facilitate impounding of a bicycle or other recreational equipment without liability to Eastern Washington University or its authorized personnel.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-040, filed 10/26/92, effective 11/26/92; Order 74-2, § 172-118-040, filed 1/24/74; Order 72-12, § 172-118-040, filed 9/20/72.]

WAC 172-118-050 Parking regulations. Motorcycles, and motor scooters may be parked, without permit, in any

parking lot on the campus of the university, providing that the parking does not interfere with the parking of motor vehicles.

(1) Bicycles must be parked in bicycle racks. At times, rack space may not be available and parking on the grass off the pavement will be permitted if all racks in the vicinity are full.

(2) Motorcycles, and motor scooters may be parked in triangular spaces caused by angular parking in a lot.

(3) Bicycles, motorcycles, and motor scooters may not be parked on any lawn, sidewalk, walkway, driveway, service area, against any building, building entrances or exits, nor in a building on the university campus, except as provided in WAC 172-118-050(1).

(4) Bicycles, motorcycles, and motor scooters not conforming to these regulations are subject to citation as are all other vehicles, and may be impounded as provided in WAC 172-116-230.

(5) Bicycle, motorcycle, and motor scooter regulations will be in effect at all times.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-050, filed 10/26/92, effective 11/26/92; Order 72-12, § 172-118-050, filed 9/20/72.]

WAC 172-118-080 Registration of bicycles. All bicycles operated or parked on the campus of Eastern Washington University must be registered with the city of Cheney.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-080, filed 10/26/92, effective 11/26/92; Order 72-12, § 172-118-080, filed 9/20/72.]

WAC 172-118-090 Enforcement. (1) Enforcement of this chapter is the responsibility of the president, or the executive vice-president, or their designees.

(2) A user of recreational equipment who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of chapter 9A.52 RCW.

(3) If the user is a student, the student will be asked to refrain from using the equipment on campus. If the student refuses, a proceeding may be initiated under the Student conduct code, chapter 172-120 WAC.

[Statutory Authority: RCW 28B.35.120. 92-22-028, § 172-118-090, filed 10/26/92, effective 11/26/92.]

Chapter 172-120 WAC STUDENT CONDUCT CODE

WAC

172-120-010	Introduction.
172-120-015	Definitions.
172-120-020	Interest of the university relevant to a student code.
172-120-030	Relationship between civil and criminal laws and university disciplinary proceedings.
172-120-040	Conduct code.
172-120-050	Sanctions.
172-120-060	Discipline functionaries.
172-120-070	Initiation of disciplinary procedures.
172-120-080	Authority of university disciplinary officer.
172-120-090	Consolidation of cases permissible.
172-120-100	Hearings procedure.
172-120-110	Deliberations and sanctions.
172-120-120	Appeals.
172-120-130	Interim suspension permitted.
172-120-140	Procedural rights of students.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-120-150 Academic misconduct. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-150, filed 10/2/87.] Repealed by 97-06-095, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120.

WAC 172-120-010 Introduction. The board of trustees of Eastern Washington University has the authority and obligation to adopt regulations for the governance of the university for the purpose of providing educational opportunities to its students, transmitting and advancing knowledge and of providing a wide range of services to both students and the general public. To carry out these responsibilities, the university requires a community free from violence, threats, and intimidation; protective of free inquiry, respectful of the rights of others; open to change; supportive of democratic and lawful procedures; and dedicated to the rational and orderly approach to the resolution of human problems. To safeguard the rights, opportunities, and welfare of students, faculty, staff and guests of the university community, and to assure protection of the interests of the university as it seeks to carry out its mission on behalf of the citizens of the state of Washington, certain minimum standards of conduct become necessary.

[Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-010, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-010, filed 2/25/81; Order 72-2, § 172-120-010, filed 5/12/72.]

WAC 172-120-015 Definitions. For purposes of the student conduct code, chapter 172-120 WAC, the definitions of this section apply throughout the chapter.

(1) "Student" includes all persons taking courses at the university, both full and part time. Nonmatriculated, international students attending language institutes or foreign study programs at the university are also considered students under the terms of this code.

(2) "University" refers to the facilities, property, programs, activities and members of the Eastern Washington University community.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-015, filed 3/4/97, effective 4/4/97.]

WAC 172-120-020 Interest of the university relevant to a student code. The university is a special-purpose, as opposed to general-purpose community, and as such must devise procedures and regulations to control disruptive elements which would deter the university from furthering its mission—providing learning experiences for its students, transmitting and advancing knowledge and providing services to the greater community. Special university interests provide a foundation for building a code of conduct.

(1) The university has a primary concern with matters which impinge on academic achievement and integrity.

(2) The university has a concern with conduct which breaches the peace, causes disorder and substantially interferes with the rights of others.

(3) The university has an interest in behavior which threatens or actions which imperil the physical and mental health and safety of members of the university community.

(4) The university has an obligation to protect its property and the property of members of its community from theft, damage, destruction or misuse.

(5) The university has a commitment to meet its contractual agreements.

(6) The university has an obligation to support and be guided by laws of the land.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-020, filed 3/4/97, effective 4/4/97; 81-06-023 (Order 1-22-81), § 172-120-020, filed 2/25/81; Order 72-2, § 172-120-020, filed 5/12/72.]

WAC 172-120-030 Relationship between civil and criminal laws and university disciplinary proceedings.

Many offenses actionable under this code are also violations of federal, state or local laws. A student may face criminal and civil prosecution as well as university disciplinary action for violation of these laws. The university reserves the right to initiate action for offenses that have an impact on the educational or administrative functions or the general well-being of the university. Proceedings under this code may be carried out prior to, simultaneously with, or following civil or criminal proceedings in the courts. University proceedings are not subject to challenge or dismissal referencing, as a basis, that criminal charges involving the same incident have been dismissed or reduced.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-030, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-030, filed 10/2/87; Order 72-2, § 172-120-030, filed 5/12/72.]

WAC 172-120-040 Conduct code. The following are defined as offenses which are subject to disciplinary action by the university. The university has the authority to promulgate additional or more specific rules supplementary to the offenses listed in this section.

(1) Dishonesty and misrepresentation. All forms of academic dishonesty (including but not limited to cheating and plagiarism), knowingly furnishing false information to the university, forgery, alteration or misuse of university documents, records or instruments of identification.

(2) Disruptive conduct. Conduct which intentionally disrupts or obstructs teaching, research, administration, disciplinary proceedings, freedom of movement or other lawful activities on the university campus.

(3) Physical abuse and threat of physical abuse. Detention, physical abuse, threats, intimidation or coercion of any person, or conduct which is intended to threaten imminent bodily harm or endanger the health or safety of any person on any property owned or controlled by the university, or at any university-sponsored or supervised functions.

(4) Sexual misconduct. Sexual misconduct includes, but is not limited to:

(a) Unwanted verbal (including telephone), written (including electronic media), pictorial or physical conduct of a sexual nature which a reasonable person would consider to be harassing, intimidating, hostile, offensive and/or which adversely affects the learning or living environment of the campus;

(b) Unwanted, forceful, sexual contact. The use of force may include, but is not limited to use of body weight, pushing or hitting, coercion or threats;

(c) The use of force (body weight, hitting or pushing, use of a weapon, threats to kidnap or kill, for example) to overcome earnest resistance to engaging in sexual intercourse. Earnest resistance may be verbal, physical or both;

(d) Sexual intercourse, when the victim is incapable of consent by reason of mental incapacity, drug/alcohol intoxication or physical helplessness, and force is or is not used.

(5) Harassment. Harassment of any sort is prohibited. Any malicious act which causes harm to any person's physical or mental well-being is prohibited. Harassment is defined as conduct which has the purpose or effect or unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive environment.

(6) Property violations. Theft from, or malicious damage to, or malicious misuse of university property or the property of any person, when such property is located on the university campus.

(7) Failure to comply with a proper order.

(a) Failure to comply with lawful and/or reasonable directions of university officials or law enforcement officers acting in performance of their duties on campus or affecting conduct on campus.

(b) Failure to identify oneself to university officials in their course of duty, refusal or failure to appear before university officials or disciplinary bodies when directed to do so or the violation of sanctions imposed after such proceedings.

(8) Alcohol and substance violations.

(a) Use, possession, distribution, or sale of alcoholic beverages except as permitted by university policy and state law on university premises or in university-controlled facilities.

(b) Use, possession, distribution, or sale of any controlled substance or illegal drug on university premises or in university-controlled facilities.

(9) Possession of weapons. No individual shall have on his/her person, in his/her vehicle or otherwise in his/her possession any gun, pistol, or firearm or explosives, dangerous chemicals or other dangerous weapons or instruments on the university campus or other university property except as follows:

(a) Authorized law enforcement officers are permitted to carry arms while on duty and engaged in their regular duties.

(b) Activities requiring use of the prohibited items may be conducted on approval of the activity by the board of trustees.

(c) Persons are permitted to have firearms in their possession directly en route to or from campus firearm storage facilities where such possession is incidental to approved on or off campus possession or use of such firearms.

(10) Violation of local, county, state or federal law. Violation of a local, county, state, or federal law, whether it be on-campus or off-campus, only when a definite university interest is involved and where the student misconduct distinctly and adversely affects the university's pursuit of its educational mission.

(11) Incitement. Intentionally inciting others to engage in any of the conduct prohibited in this code, which incitement leads directly to such conduct.

(12) Assisting conduct violations. Being an accessory to any person on the university campus who is or who is not a

member of the associated students of Eastern Washington University who violates this code. The unauthorized entry into or onto, or the unauthorized remaining in, or upon, any public or university facilities.

(13) Attempted violations. All attempts to perform acts of misconduct prohibited by this section are also subject to disciplinary action.

(14) Trespass. The unauthorized entry into or onto, or the unauthorized remaining in or on any public or university facilities.

(15) Disorderly conduct. Disorderly or obscene conduct on university property or at university-sponsored events.

(16) Violation of university policies. Violation of the university general conduct code, chapter 172-122 WAC.

(17) Abuse of computing facilities. Theft or other abuse of computer facilities, access or time as defined in university computing guidelines and policies.

(18) Unauthorized representation. The unauthorized use of the name of the university or the names of members or organizations in the university community.

(19) Obstruction. Obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university-sponsored or university-supervised events.

(20) Demonstration. Participation in a campus demonstration which violates the university regulations governing campus assembly and peaceful demonstration.

(21) Hazing. Any action required of or imposed on current or potential members of an organization or group which, regardless of location of the incident or consent of the participant(s):

(a) Produces or is reasonably likely to produce bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, humiliation or ridicule; or

(b) Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations or policies, or which is known by the compelling person(s) to be contrary to the individual's moral or religious beliefs.

(22) Group offenses. Clubs, organizations, societies or similarly organized groups in or recognized by the university and/or ASEWU are subject to the same standards as are individuals in the university community. The commission of any of the offenses in subsections (1) through (22) of this section by such groups or the knowing failure of any organized group to exercise preventive measures relative to violations of the code by their members shall constitute a group offense.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-040, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-040, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-040, filed 2/25/81; Order 72-2, § 172-120-040, filed 5/12/72.]

WAC 172-120-050 Sanctions. If any student or student organization is found to have violated any of the offenses enumerated at WAC 172-120-040, one or more of the following sanctions may be imposed against the student or student organization. Failure to comply with any imposed sanctions may result in additional sanctions.

(1) Minor disciplinary sanction:

(a) Admonition: An oral statement to a student that he/she is violating university rules and regulations.

(b) Warning: Notice, orally or in writing, that continuation or repetition of conduct found wrongful, within a specified period of time stated in the warning, may cause more severe disciplinary action.

(c) Censure: A written reprimand for violation of specified regulations, including notice of the possibility of more severe disciplinary sanctions in the event of the finding of a violation of any regulation within a stated period of time.

(d) Disciplinary probation: Formal action placing condition on the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions which may include conditions such as limiting the student's participation in university-related privileges or extra-curricular activities or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the university. Disciplinary probation shall be for a specified period of time.

(e) Restitution: Reimbursement for damage or destruction to the property of the university or others for loss of property as a result of theft or negligence, or for medical expenses from violations of this code. This may take the form of appropriate service or other compensation. Failure to make arrangements to pay will result in cancellation of the student's registration and will prevent the student from future registration until the conditions of sanction are satisfied.

(f) Fines: The disciplinary officer and the university disciplinary committee may assess monetary fines up to a maximum of two hundred dollars against individual students for violation of university rules or regulations or for failure to meet the university's standards of conduct. Failure to pay promptly such fines will prevent the student from future registration. Failure to pay may result in additional sanctions. Appeal through chapter 172-124 WAC is solely to dispute the existence of the alleged debt and not to rehear the matter which resulted in the sanction of the fine itself.

(g) Loss of privileges: Denial of specified privileges for a designated period of time.

(h) Discretionary sanctions: Work assignments, service to the university community or other related discretionary assignments for a specified period of time as directed to the disciplinary officer or judicial body.

(i) Loss of financial aid: In accordance with RCW 28B.30.125, a person who participates in the hazing of another forfeits entitlement to state-funded grants, scholarships or awards for a specified period of time.

(j) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(2) Major disciplinary sanction:

(a) Suspension: Exclusion from classes and other privileges or activities as set forth in a written notice for a specified period of time. Conditions of readmission shall be stated in the order of suspension.

(b) Dismissal: Permanent separation of the student from the university with no promise (implied or otherwise) that the

student may return at any future time. The student will also be barred from university premises.

(3) Loss of institutional, financial aid funds. Formal withholding of all or a part of institutional funds currently being received by the student or promised for future disbursement to the student for a specified period of time.

(4) Group sanctions:

(a) Probation: Formal action placing conditions on the group's continued recognition by or permission to function at the university. The probationary conditions will apply for a specified period of time. Violation of the conditions of probation or additional violations while under probation may result in more severe sanctions.

(b) Social probation: Prohibition of the group from sponsoring any organized social activity, party or function, or from obtaining a permission for the use of alcoholic beverages at social functions for a specified period of time.

(c) Charter restriction: The temporary withdrawal of university or ASEWU recognition for a group, club, society or other organization. It may be recommended by the appropriate judicial body, but may only be imposed by the president of the university or the president's designee.

(d) Charter revocation: The permanent withdrawal of university or ASEWU recognition for a group, club, society or other organization. It may be recommended by the appropriate judicial body, but can only be imposed by the president of the university or the president's designee.

(e) Additional sanctions: In addition to or separately from the above, any one or a combination of the following may be concurrently imposed on the group:

- (i) Exclusion from intramural competition as a group;
- (ii) Denial of use of university facilities for meetings, events, etc.;
- (iii) Restitution; and/or
- (iv) Fines.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-050, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-050, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-050, filed 2/25/81; Order 72-2, § 172-120-050, filed 5/12/72.]

WAC 172-120-060 Discipline functionaries. (1) University disciplinary officer:

The university president shall designate a person to be the university disciplinary officer who shall review and decide questions of university interest. The university disciplinary officer may investigate and make decisions in some instances of code violation.

(2) University disciplinary committee:

A university disciplinary committee composed equally of student and faculty representatives will provide a hearing and will make decisions on all disciplinary cases referred or appealed to it. The members of the committee and their terms of office shall be:

(a) Six members of the faculty and/or administration appointed by the president of the university for three-year terms.

(b) Six students who shall be appointed by the president of the associated students of Eastern Washington University, with the advice and consent of the associated students legislature, as provided for in the constitution of the associated

students of Eastern Washington University for one-year terms. No student shall be eligible for appointment who holds any position with any of the associated student courts, serves as an attorney general or assistant attorney general in any of the student courts, or is in any way affiliated with any judicial, quasi-judicial, or advocacy position with the courts of the associated students of Eastern Washington University.

(c) A nonvoting chair shall be elected for a one year term by the committee from outside the committee. Reelection of the chair is permissible.

(d) Six voting members constitute a quorum.

(e) In the event the chair is not in attendance, the quorum shall select a voting member to preside at the hearing.

(f) Members of the disciplinary committee shall not participate in any case in which they are a defendant, complainant or witness, in which they have a direct or personal interest or bias, or in which they have acted previously in an advisory or adjudicatory capacity. A committee member's eligibility to participate in a case may be challenged by parties to the case or by other committee members, but decisions in this regard shall be made by the committee as a whole.

(g) In the event members of the disciplinary committee are disqualified or disqualify themselves from hearing a case, a temporary (for that case only) replacement shall be appointed. If the member is a student, the temporary appointment will be made by the associated students of Eastern Washington University president. If the member is a faculty member or administrator, the temporary appointment will be made by the university president.

(3) Student courts:

Student courts, the associated students superior court and those established by the associated students legislature as lesser courts to the associated students superior court, may act on such internal disciplinary problems as they feel competent to deal with effectively. If the student court is inoperative, or if it decides to do so, the student court may refer cases involving alleged violations of rules on which that court may extend jurisdiction to the university disciplinary officer or the university disciplinary committee.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-060, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-060, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-060, filed 2/25/81; Order 72-2, § 172-120-060, filed 5/12/72.]

WAC 172-120-070 Initiation of disciplinary procedures. The object of this code is to provide fair and reasonable procedures with which to deal with problems of student conduct.

(1) Any student, faculty member, staff member or the university may file a complaint against a student or student organization for any violation of the student conduct code.

(2) A person wishing to charge a student with a violation of the conduct code may:

(a) File a written charge with a student court when that system has jurisdiction; or

(b) File a written charge with the office of the dean of students or other designated officer.

(3) In instances of alleged violations of local, county, state or federal law, nothing in this conduct code will prohibit

or limit the right of persons to go directly to the civil and/or criminal authorities and file charges.

(4) University disciplinary proceedings may be instituted against a student charged with the violation of a local, county, state, or federal law which is also a violation of this conduct code; for example, if both violations result from the same, factual situation, without regard to the possibility of civil litigation or criminal prosecution. Proceedings under this conduct code may be carried out prior to, simultaneously with or following criminal proceedings off campus.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-070, filed 3/4/97, effective 4/4/97; 81-06-023 (Order 1-22-81), § 172-120-070, filed 2/25/81; Order 76-9-1, § 172-120-070, filed 9/23/76; Order 72-2, § 172-120-070, filed 5/12/72.]

WAC 172-120-080 Authority of university disciplinary officer. When the university disciplinary officer receives a complaint against a student or student organization for a violation of the code, the disciplinary officer will review the complaint to determine if there is sufficient evidence to hear the matter and explain to the complainant his/her rights under the student conduct code and possible avenues of action which the complainant has against the student or student organization, including reference to remedies under civil law as well as possible remedies under the student code. If the university disciplinary officer decides to initiate a disciplinary proceeding against the accused student or student organization, the disciplinary officer will then notify the accused student or student organization for an initial conference. This notification includes a written list of charges. During the initial conference, the university disciplinary officer will review with the accused student the written list of charges, provide the student with a copy of the student conduct code and any other relevant university policies and explain the student's rights under the student code and what possible ramifications may occur under civil law, if any. The disciplinary officer will further explain the disciplinary procedures, the individual's or organization's rights and responsibilities in the disciplinary process, and possible penalties under the student code and advise that the student must, within twenty-four hours after receipt of this explanation, decide to have the case heard by the university disciplinary officer, or by the university disciplinary committee, and sign a statement declaring the same. The committee must receive at least seventy-two hours notice as to the time and place of the hearing. The student may, at this time, waive his/her right to prior notice about a disciplinary hearing and request that the case be heard immediately following the initial conference.

(1) If the student accused of violating the student conduct code chooses a hearing before the university disciplinary officer, that officer, after considering the evidence against a student so charged, may take any of the following actions:

(a) Terminate the complaint, exonerating the student.

(b) Dismiss the charge after whatever counseling and advice is deemed appropriate.

(c) Refer the student to the mental health review board when it is reasonably determined from the available evidence that such referral is appropriate.

(d) Impose any number of sanctions from WAC 172-120-050(1) (minor disciplinary sanction).

(e) Refer the case to the university disciplinary committee in the event the university disciplinary officer deems major disciplinary sanction may be warranted or if the student requests that his/her case be heard by the committee.

(2) If the student requests that the case be heard by the university disciplinary committee rather than the university disciplinary officer, the committee may take any of the sanctions listed in subsections (1), (2), (3) and (4) of this section, except that the committee may impose a major disciplinary sanction as defined in WAC 172-120-050(2).

(3) If a student accused of violating the conduct code has withdrawn or withdraws from the university after the filing of any charge against him/her, either:

(a) A registration hold will be placed on the student's academic record and the student will be notified that disciplinary action may be initiated on the student's reentry or application for readmission; or

(b) The university may proceed with the disciplinary action or disciplinary committee hearing.

(4) The disciplinary officer has the right to place a hold on a student's transcript or registration pending the student's satisfaction of a disciplinary sanction imposed for violation of this code.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-080, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-080, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-080, filed 2/25/81; Order 72-2, § 172-120-080, filed 5/12/72.]

WAC 172-120-090 Consolidation of cases permissible. In the event that one or more students are charged with the same misconduct arising from the same occurrence, the disciplinary committee or university disciplinary officer shall be authorized to consolidate the hearings as practical, as long as consolidation does not prejudice the rights of any students.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-090, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-090, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-090, filed 2/25/81; Order 72-2, § 172-120-090, filed 5/12/72.]

WAC 172-120-100 Hearings procedure. Hearings shall be conducted in a manner which is informal and, at the same time, assures fundamental fairness of procedure.

(1) Hearings before the university disciplinary officer or the university disciplinary committee shall be closed hearings. Admission of any person to the hearing shall be at the discretion of the judicial body or officer. In hearings involving more than one accused student, the chairperson of the judicial body or the disciplinary officer, at his/her discretion may permit the hearings concerning each student to be conducted separately.

(2) A written record or a tape recording of the testimony before the university disciplinary committee shall be kept. It may be reviewed by the student at any reasonable time prior to the final disposition of the case. Records from all proceedings will be kept and filed with the university disciplinary officer for a period of seven years. These disciplinary proceedings and records shall be the property of the university and are confidential.

(a) Disciplinary records will be made available to hearing boards and university personnel as needed for valid educational purposes.

(b) Any student may review his/her own disciplinary records by contacting the dean of students' office.

(c) Except as outlined in these procedures, the university will not communicate a student's disciplinary record to any person or agency outside the university without the prior, written consent of the student, except as required by law. If the student is a minor, the student's parents or legal guardians may review these records.

(3) The complainant and the accused have the right to be assisted by any (one) advisor they choose, at their own expense. The advisor may be an attorney. The complainant and/or the accused is responsible for presenting his or her own case and, therefore, advisors are not permitted to speak or to participate directly in any hearing before the university disciplinary officer or the university disciplinary committee. The accused student can, however, speak with his or her advisor during the hearing. If the student utilizes an attorney as an advisor, the student must give to the university disciplinary officer or committee two days' notice of intent to do so. If the student elects to be advised by an attorney, the university disciplinary officer or committee may elect to have the university advised by an assistant attorney general.

(4) The following guidelines apply only to hearings before the university disciplinary committee:

(a) The complainant, the accused and the disciplinary committee shall have the privilege of presenting witnesses, subject to the right of cross-examination by the disciplinary committee. The complainant and the accused may submit questions to be asked of all witnesses to the disciplinary committee;

(b) Any person, including the accused student or any member of the accused organization, who disrupts a hearing may be excluded from the proceedings;

(c) Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the disciplinary committee at the discretion of the chairperson.

(5) The disciplinary officer or presiding chairperson of the disciplinary committee will exercise control over the hearing. All procedural questions are subject to the final decision of the disciplinary officer or the chairperson of the disciplinary committee.

(6) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice that a hearing regarding the university's allegation that he/she violated the student code is being held at a certain time and place, will be considered in determining whether the judicial body hearing the case has sufficient cause to believe that the accused student is guilty of violating any of the written list of charges presented him/her pursuant to WAC 172-120-080. However, the complete record of the student's or student organization's prior conduct and academic performance may be taken into account by the disciplinary officer or disciplinary committee in imposing any sanction(s).

(a) In determining whether sufficient cause, as stated in the foregoing paragraph, exists, the university disciplinary officer or in the instance of a hearing, the university disciplinary committee, shall decide whether a preponderance of the

evidence indicates that the student charged violated the student code by engaging in the conduct for which he/she was charged pursuant to WAC 172-120-080.

(b) For the purposes of this code, the phrase, "preponderance of the evidence," means that it is more likely that the student charged violated the student code by engaging in the conduct for which he/she is charged than that he/she did not.

(c) The chair of the university disciplinary committee is not bound by the rules of evidence observed by courts and may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-100, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-100, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-100, filed 2/25/81; Order 72-2, § 172-120-100, filed 5/12/72.]

WAC 172-120-110 Deliberations and sanctions. (1)

After the hearing, the judicial body having heard the matter will meet in closed session and decide by majority vote whether the preponderance of the evidence indicates that the student violated the conduct code. If the decision is that the student engaged in an act of misconduct in violation of the rules with which he/she is charged with having violated, the committee will by majority vote determine what sanction from WAC 172-120-050 shall be imposed. If the university disciplinary committee was the body which heard the matter, it will deliberate in the manner described above, but will determine what sanctions it will recommend that the president impose on the student. This recommendation to the president must be made within five working days of the time when the hearing is terminated.

(2) In the course of determining what sanctions shall be imposed or recommended, the judicial body hearing the matter may consider any evidence of past misconduct that the chair of the committee deems relevant; such evidence may be presented by the university disciplinary officer or his/her designee.

(3) No sanction(s) may be imposed based solely on the failure of the accused student to answer the charges or appear at the hearing. The decision must be based on the evidence presented at the hearing to include the evidence of past misconduct deemed relevant.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-110, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-110, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-110, filed 2/25/81; Order 72-2, § 172-120-110, filed 5/12/72.]

WAC 172-120-120 Appeals. (1) If the accused student or student organization feels aggrieved by the imposition of disciplinary sanctions by the disciplinary officer or by a judicial body other than the university disciplinary committee, that student or student organization shall have a right to appeal the decision to the university disciplinary committee. The appeal must be in writing and received by the committee within five days after imposition of the sanction. Appeals to the university disciplinary committee shall be filed with the dean of students or other designated office. The written notice of appeal shall set forth:

(a) The student's name;

(b) The nature of the disciplinary action imposed; and

(c) The reasons why the student or student organization feels that the imposition of that sanction is unjust and what remedy the student or student organization is seeking. Before making a decision, the university disciplinary committee may request a written report of the case from the judicial body which heard the case. The committee shall also have the right to request additional written information or explanation from any of the parties to the proceeding before rendering its decision. In making its decision, the committee shall only consider the written record before it, the student's notice of appeal and such other information and explanation it has requested from the parties to the proceeding. The committee may consider the complete record of the student's or student organization's prior conduct and academic performance in imposing any sanctions. The committee is empowered to affirm, reverse, remand, or modify (only to a less severe sanction). The university disciplinary committee's hearing of a matter on appeal is the final level of appeal on the matter.

(2) Appeals to the president:

When the university disciplinary committee is the judicial body to first hear a case, the aggrieved student or student organization has a right of appeal to the president, or the president's designee by following the steps listed in subsection (1) of this section for filing an appeal. The president or the president's designee may request a written report of the case from the university disciplinary committee before making a decision. The president or the president's designee may also request additional information from any of the parties to the proceedings before rendering a decision. In making a decision, the president of the university or the president's designee shall only consider the written record and such other information requested from the parties to the proceeding.

In the instance in which the president has received a finding that the university student code has been violated, the president may, in considering what disciplinary sanction should be imposed, affirm, reverse, remand or modify the recommendation of the university disciplinary committee. In imposing any sanctions, the president may consider the complete record of the student's or student organization's prior conduct and academic performance.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-120, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-120, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-120, filed 2/25/81; Order 72-2, § 172-120-120, filed 5/12/72.]

WAC 172-120-130 Interim suspension permitted. (1)

Disciplinary actions of the university will be implemented by the president of the university, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the university will be invoked only after completion of the procedures established for the review of disciplinary cases and after the student, if he/she so wishes, has availed himself/herself of the appeal procedures. However, in situations where there is cause to believe that the student or the student organization poses an immediate threat to himself or herself, to others or to property, or is incapable of continuing as a student for medical or psychological reasons, or where it is believed that the student's continued attendance or presence may cause disorder or substantially interfere with or impede the lawful activities

of others or imperil the physical or mental health and safety of members of the university community, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the president or the president's designee, may include:

(a) Interim restrictions, including but not limited to assignment to alternate university housing or removal from university housing, limitation of access to university facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the university or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to outside, medical professionals and/or to the mental health advisory board for assessment of the student's capability to remain in the university.

(2) In all such cases, the student or student organization is entitled to personally appeal before the dean of students or designee as soon as is reasonably possible but not later than ten days after the action is taken, unless the student requests an extension in order to review the following issues only:

(a) The reliability of the information concerning the student's behavior;

(b) Whether or not the student's continued presence or prior or present behavior warrants interim suspension for the causes listed in subsection (1) of this section.

As a result of the meeting between the dean of students and the student, the dean may recommend to the president or the president's designee either continuation or termination of the interim suspension action and/or initiate disciplinary procedures in accordance with this conduct code.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-130, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-130, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-130, filed 2/25/81; Order 72-2, § 172-120-130, filed 5/12/72.]

WAC 172-120-140 Procedural rights of students. (1)

Any student or student organization charged with any violation(s) of the student conduct code has the following rights in disciplinary procedure:

(a) A fair and impartial hearing before the appropriate judicial body composed of members of the campus community;

(b) Notice of the charge(s) against them and the basis for the charge(s);

(c) To remain silent when charged with any act which may be a violation of criminal law, to avoid self incrimination;

(d) Seven calendar days' notice before a disciplinary hearing;

(e) To know who is bringing the accusation(s) against the accused;

(f) The right to speak on his/her own behalf in all judicial proceedings;

(g) To consult an advisor;

(h) One appeal; and

(i) To be subjected to university judicial action only one time for the same offense.

(2) Any student or student organization brought before the university disciplinary committee has these additional rights:

(a) To call any person(s) as a witness who may have information regarding the case;

(b) To view the material to be presented against them in advance of the hearing;

(c) To hear the testimony of all witnesses;

(d) To present questions to be asked of all witnesses; and

(e) To have a record made of the hearing.

(3) The burden of proof rests with the accuser. This burden shall be carried if guilt is indicated by a fair preponderance of the evidence when considered as a whole.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-140, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-140, filed 10/2/87. Statutory Authority: RCW 28B.35.120. 81-06-023 (Order 1-22-81), § 172-120-140, filed 2/25/81; Order 76-9-1, § 172-120-140, filed 9/23/76.]

Chapter 172-122 WAC GENERAL CONDUCT CODE

WAC

172-122-100	Civil demonstrations.
172-122-110	Bomb threats.
172-122-120	Firearms/weapons.
172-122-200	Notice of trespass.
172-122-210	Restriction of access.
172-122-300	Smoking regulations.
172-122-400	Pet control.
172-122-410	Penalties for violations of pet control regulations.
172-122-500	Posters.

WAC 172-122-100 Civil demonstrations. The university shall make every attempt to protect participating and nonparticipating individuals during a civil demonstration, to include sit-ins which occur in a university office, structure, or on the property of Eastern Washington University. The following guidelines shall be observed in the event of any form of a civil demonstration.

(1) One person shall act as a representative of the university in an effort to establish a clear line of communication.

(2) The demonstrators will be asked to appoint a representative to communicate with the university representative.

(3) Orderly behavior shall be maintained and university property shall not be damaged.

(4) The demonstration shall not interfere with educational or business functions of the university.

The University News Bureau shall be the official contact for news media.

University police are authorized to take actions in accordance with Washington state and federal laws.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-100, filed 10/21/92, effective 11/21/92.]

WAC 172-122-110 Bomb threats. Any university employee or student who receives a bomb threat must immediately notify the university police. University employees and students who fail to report bomb threats will be subject to disciplinary action by the university.

Bomb threats against the university will be prosecuted to the full extent of the law.

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[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-110, filed 10/21/92, effective 11/21/92.]

WAC 172-122-120 Firearms/weapons. Violations of the subsections of this section are subject to appropriate disciplinary or legal action.

(1) Possession, carrying, or discharge of any explosive, firearm, chemical weapon (or dangerous chemical) or other weapon; including shotguns, pistols, air guns, pellet guns, and paint ball guns, whether loaded or unloaded; is prohibited on property owned or controlled by Eastern Washington University.

(2) Only people who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, or commissioned by agencies of the United States government, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other university-controlled property, including residence halls. A law enforcement agent must notify the university police of his or her presence on campus on arrival.

(3) Other than the people referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the university-provided storage facility, located at the red barn. The storage facility is controlled by the university police office and is accessible twenty-four hours per day throughout the year.

(4) Anyone seeking to bring a firearm or other weapon onto campus for display or demonstration purposes directly related to a class or other educational activity must obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.

(5) Firearms owned by the institution for use by special interest groups such as university-sponsored gun clubs, ROTC, or intercollegiate shooting teams, must be stored in a location approved by the university police department. These firearms must be checked out by the club advisor or coach and are to be used by legitimate members of the club or team in the normal course of the club or team's related activity.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-120, filed 10/21/92, effective 11/21/92.]

WAC 172-122-200 Notice of trespass. The president of Eastern Washington University, or in the president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from publicly owned buildings or related facilities owned by the university, then the president acting through the executive vice-president or other persons designated by the president, shall have the power and authority to:

(1) Prohibit the entry of, or withdraw the license or privilege of any person or persons, or any group of persons, to enter onto or remain on all or any portion of real property or in any building or facility thereon or attached thereto which is owned or operated by the university; or

[Title 172 WAC—p. 27]

(2) Give notice against trespass by any manner specified in chapter 9A.52 RCW to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining on all or any portion of real property or in any building or facility thereon or attached thereto, which property is owned or operated by the university; or

(3) Order any person, persons, or group of persons to leave or vacate all or a portion of real property or any building or facility thereon or attached thereto which is owned or operated by the university.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-200, filed 10/21/92, effective 11/21/92.]

WAC 172-122-210 Restriction of access. The president of Eastern Washington University shall be authorized to reasonably restrict the access to any portion of real property or any building or facility thereon or attached thereto, owned by the university by designating the person, persons, or class of persons who is privileged to enter on or into or remain on university-owned real property or buildings or facilities thereon or attached thereto. Additionally, the president may prescribe reasonable hours of occupancy and reasonable conduct during occupancy for those persons or class of persons which are privileged to enter on or into or remain in any building or facility owned by Eastern Washington University.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-210, filed 10/21/92, effective 11/21/92.]

WAC 172-122-300 Smoking regulations. The smoking of tobacco substances at Eastern Washington University is subject to the following rules:

(1) Smoking is allowed in designated areas only. The appropriate provost/vice-president shall be responsible for designating smoking areas under the guidelines of this policy.

(2) Some university buildings are designated as smoke free; no smoking is allowed in any location of these buildings.

(3) All designated smoking areas must have physical barriers and ventilation systems which prevent toxic smoke contaminants from entering adjacent nonsmoking areas.

(4) Smoking is not permitted in nonposted areas. Signs will be posted to identify smoke-free buildings and, if a smoking area is designated, the location of that area.

(5) Smoking cessation programs will be provided by the university as needed. Employees who wish to stop smoking are encouraged to attend.

Compliance and enforcement:

(6) All members of the university are expected to comply with the law and this policy.

(7) Concerns about smoking practices should be directed to the environmental health and safety office.

(8) Violations of the policy will be reviewed in light of chapter 70.160 RCW.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-300, filed 10/21/92, effective 11/21/92.]

WAC 172-122-400 Pet control. Guide or service dogs as defined at chapter 70.84 RCW are distinguished from ref-

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erences to pets in this section and WAC 172-122-410 and, therefore, are granted full and equal access to university facilities when accompanied and under the control of a disabled individual. In order to assure the health and safety of a person on property owned or controlled by Eastern Washington University, the following rules and regulations regarding pet control are hereby promulgated:

(1) Title 7 of the municipal code of the city of Cheney, Washington, relating to animal control shall be expressly applicable to all portions of the Eastern Washington University properties contained within the city of Cheney, Washington.

(2) State and county laws relating to animal control are expressly applicable to all portions of the Eastern Washington University properties outside the city of Cheney, Washington.

(3) No person will be permitted to bring any pet on properties owned or controlled by Eastern Washington University unless the pet is under the immediate control of the person: Provided, That pets are not permitted to enter into buildings owned or controlled by Eastern Washington University.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-400, filed 10/21/92, effective 11/21/92.]

WAC 172-122-410 Penalties for violations of pet control regulations. (1) Persons violating WAC 172-122-400 may be referred to an appropriate court of law for prosecution. Sworn police officers of Eastern Washington University shall have express authority to refer the violations to appropriate courts of law.

(2) Pets found to be in violation of WAC 172-122-400 may be impounded by any employee of the Eastern Washington University police department. The executive vice-president or designee may contract for services to include the keeping and boarding of pets in compliance with Title 7 of the Cheney Municipal Code.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-410, filed 10/21/92, effective 11/21/92.]

WAC 172-122-500 Posters. To ensure that goals and objectives relating to the appearance of the campus are maintained, the university regulates the content, location, dimensions, and period of display time of posted materials. The placement of posters must be approved by the director of student auxiliary services, in accordance with the university poster policy/procedure, prior to their placement in any campus location, including the EWU Spokane Center. Specific regulations are available to the public in the office of student union activities at the Cheney campus.

[Statutory Authority: RCW 28B.35.120(12). 92-22-001, § 172-122-500, filed 10/21/92, effective 11/21/92.]

Chapter 172-123 WAC SCHOLARSHIPS

WAC

172-123-010 Scholarships.

WAC 172-123-010 Scholarships. Detailed information concerning the criteria, eligibility, and procedures for appli-

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cation and other information regarding scholarships at Eastern Washington University is available in the EWU Office of Financial Aid and Scholarships; Cheney, WA 99004-2496.

[Statutory Authority: RCW 28B.35.120(12). 92-02-052, § 172-123-010, filed 12/30/91, effective 1/30/92.]

Chapter 172-124 WAC DISPOSITION OF OBLIGATIONS OWED TO UNIVERSITY BY STUDENTS

WAC

172-124-010	Financial obligations of students.
172-124-020	Appeal procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-124-100	Smoking regulations. [Order 73-8, § 172-124-100, filed 3/20/73.] Repealed by 92-09-105, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.12(12) [28B.34.120(12)].
172-124-200	Definition—Pets. [Order 73-11, § 172-124-200, filed 5/22/73.] Repealed by 92-09-105, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.12(12) [28B.34.120(12)].
172-124-210	Pet control. [Order 73-11, § 172-124-210, filed 5/22/73 and 6/13/73.] Repealed by 92-09-105, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.12(12) [28B.34.120(12)].
172-124-220	Penalties for violations of pet control regulations. [Order 73-11, § 172-124-220, filed 5/22/73.] Repealed by 92-09-105, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.12(12) [28B.34.120(12)].

WAC 172-124-010 Financial obligations of students.

The university may withhold admission or registration privileges, conferring of degrees, and issuance of academic transcripts for failure to meet financial obligations, even if the financial obligations have been assigned to another agency, entity, or department.

[Statutory Authority: RCW 28B.35.12(12) [28B.35.120(12)]. 92-09-105, § 172-124-010, filed 4/20/92, effective 5/21/92; Order 72-11, § 172-124-010, filed 9/20/72.]

WAC 172-124-020 Appeal procedure. Students shall be given notice of any alleged financial obligation prior to the university taking action as described in WAC 172-124-010. Students who wish to appeal the alleged financial obligation may request a brief adjudicative proceeding. This request must be in writing and received by the university governance office within twenty days of notice of the alleged financial obligation. Any student who fails to respond to such notice waives the right to a brief adjudicative proceeding and the university may take action as described in WAC 172-124-010. Action may also be taken immediately after and consistent with the determination of the proceeding.

[Statutory Authority: RCW 28B.35.12(12) [28B.35.120(12)]. 92-09-105, § 172-124-020, filed 4/20/92, effective 5/21/92; Order 72-11, § 172-124-020, filed 9/20/72.]

Chapter 172-136 WAC UNIVERSITY FACILITIES

WAC

172-136-010	Introduction.
172-136-015	Definitions.
172-136-030	Meeting rooms.

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172-136-040	Use of mail service by employee and student organizations.
172-136-050	Telephone usage.
172-136-060	Use of duplicating and photocopying equipment.
172-136-070	Use of secretarial and other supporting staff services.
172-136-080	Office equipment and supplies.
172-136-090	Travel expense.
172-136-100	Access to university records.
172-136-110	Conduct of employee organization business during scheduled working hours.
172-136-120	Conflicts with contractual provisions.
172-136-500	Tawanka Commons.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-136-020	Employee organization defined. [Order 73-6, § 172-136-020, filed 3/20/73.] Repealed by 92-21-048, filed 10/16/92, effective 11/16/92. Statutory Authority: RCW 28B.35.120.
172-136-600	Commercial activities. [Order 73-9, § 172-136-600, filed 3/20/73.] Repealed by 92-21-048, filed 10/16/92, effective 11/16/92. Statutory Authority: RCW 28B.35.120.
172-136-610	Commercial activities defined. [Order 73-9, § 172-136-610, filed 3/20/73.] Repealed by 92-21-048, filed 10/16/92, effective 11/16/92. Statutory Authority: RCW 28B.35.120.
172-136-620	Penalties for violations of commercial activities regulations. [Order 73-9, § 172-136-620, filed 3/20/73.] Repealed by 92-21-048, filed 10/16/92, effective 11/16/92. Statutory Authority: RCW 28B.35.120.

WAC 172-136-010 Introduction. The regulations set forth in this chapter are designed to control the use of university resources by employee, student, or nonuniversity organizations and their members when conducting the business of such organizations: Provided, That nothing in this chapter shall be construed to limit the use of university resources by members of these organizations when the members are acting in their capacities as employees or members of recognized student clubs or organizations of Eastern Washington University during the conduct of university business.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-010, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-010, filed 3/20/73.]

WAC 172-136-015 Definitions. For the purposes of this chapter, the following definitions apply:

(1) An "employee organization" is an organization having as a primary purpose the improvement of terms and conditions of employment of employees holding faculty, classified staff, or exempt position appointments: Provided, That the term "employee organization" shall not include the academic senate as defined in the Eastern Washington University policies and procedures. For the purposes of this chapter, references to limits and scope of activities by employee organizations shall be construed to affect and limit the conduct of persons acting on behalf of employee organizations.

(2) A "student club or organization" is one that has met the requirements under the Associated Students of EWU (ASEWU) policies and procedures on establishing recognition. These policies and procedures are available in the ASEWU office.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-015, filed 10/16/92, effective 11/16/92.]

WAC 172-136-030 Meeting rooms. Employee and student organizations may schedule most rooms for the conduct of meetings through the scheduling and calendar office on the

same basis as other university organizations. Rooms in Showalter Hall are scheduled through the division of business and finance.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-030, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-030, filed 3/20/73.]

WAC 172-136-040 Use of mail service by employee and student organizations. (1) Employee and student organizations may use the facilities of the campus post office for intra-campus distribution of written organizational material to their membership or to the university community at large on a similar basis as university offices: Provided, That official university communications shall be given priority.

(2) Employee and student organizations may not use university postage or postal permits for the mailing of organizational materials off campus.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-040, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-040, filed 4/6/73 and Order 73-6, filed 3/20/73.]

WAC 172-136-050 Telephone usage. Employee and student organizations may use university telephone services as authorized by the university. University telephone services are provided only to university property, or buildings owned, leased, or rented by the university.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-050, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-050, filed 3/20/73.]

WAC 172-136-060 Use of duplicating and photocopying equipment. Employee and student organizations may use the facilities of the university central duplicating and photocopying units by paying the regular charges established for these services.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-060, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-060, filed 3/20/73.]

WAC 172-136-070 Use of secretarial and other supporting staff services. Employee and student organizations may not use for organizational purposes the services of university secretaries, typists, or other supporting staff during the university duty hours of the staff.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-070, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-070, filed 3/20/73.]

WAC 172-136-080 Office equipment and supplies. University supplies may not be used by any employee or student organization. Office equipment, such as desks, typewriters, and other equipment normally utilized by employees during their regular working hours may be used by employees in the conduct of employee organization business: Provided, That the usage does not take place during their regular working hours.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-080, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-080, filed 4/6/73 and Order 73-6, filed 3/20/73.]

WAC 172-136-090 Travel expense. Travel expenses associated with employee or student organization business shall not be paid by the university. University vehicles shall not be used for employee or student organization business.

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[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-090, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-090, filed 3/20/73.]

WAC 172-136-100 Access to university records. Employee and student organizations shall have access to public records of the university on the same basis as any citizen as set forth in chapter 42.17 RCW.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-100, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-100, filed 3/20/73.]

WAC 172-136-110 Conduct of employee organization business during scheduled working hours. (1) Faculty members of Eastern Washington University who belong to employee organizations shall conduct business related to such an organization only in the event that the business does not interfere with the primary obligatory responsibilities which are a condition of employment.

(2) The conduct of business of employee organizations by members of the administrative staff shall not take place during the regularly assigned working hours of the staff members unless the use of staff time is specifically authorized by the president or the appropriate vice-president: Provided, That meetings called by the president or a vice-president with representatives of such organizations may be held during regular working hours.

(3) The business of organizations representing classified staff shall not be conducted by any employee of Eastern Washington University during his or her regular working hours except as may be provided by contract between the organization and the board of trustees or as may be specifically authorized by the president, the executive vice-president or the director of staff personnel.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-110, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-110, filed 3/20/73.]

WAC 172-136-120 Conflicts with contractual provisions. Should any provisions of these rules and regulations be in conflict with any provision of a contract between an employee or student organization and the board of trustees, the contractual provisions shall prevail.

[Statutory Authority: RCW 28B.35.120. 92-21-048, § 172-136-120, filed 10/16/92, effective 11/16/92; Order 73-6, § 172-136-120, filed 3/20/73.]

WAC 172-136-500 Tawanka Commons. Service at Tawanka Commons is restricted to students, faculty, staff and their guests. This facility is not open for service to the general public.

[Order 73-4, § 172-136-500, filed 2/20/73.]

Chapter 172-139 WAC COMMERCIAL ACTIVITIES

WAC

172-139-010	Commercial activities.
172-139-020	Commercial activities in the Pence Union Building.
172-139-030	Handbills.
172-139-040	Penalties for violations of commercial activities regulations.

WAC 172-139-010 Commercial activities. Eastern Washington University facilities shall not be used for commercial solicitation, advertising, or promotional activities

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except when the activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when the commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a university department or of the executive vice-president or authorized designee: Provided, That commercial activities shall not interfere with or operate to the detriment of the conduct of university affairs or the free flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.35.120. 92-21-043, § 172-139-010, filed 10/16/92, effective 11/16/92.]

WAC 172-139-020 Commercial activities in the Pence Union Building. Exceptions to WAC 172-139-010 are granted for the Pence Union Building (PUB): Provided, That the activity does not duplicate services provided by the university and prior approval is obtained from the director of student auxiliary services. Vendors are assessed charges for use of the PUB.

[Statutory Authority: RCW 28B.35.120. 92-21-043, § 172-139-020, filed 10/16/92, effective 11/16/92.]

WAC 172-139-030 Handbills. (1) No person shall place in or on any vehicle parked on the university campus, any handbill, except as provided in subsection (2)(c) of this section.

(2) For the purposes of this chapter, the following definition applies: A "handbill" is any printed or written matter, sample, or device which:

(a) Advertises for sale any merchandise, product, service, or commodity; or

(b) Directs attention, either directly or indirectly, to any business or mercantile or commercial establishment, or other activity, for the purpose of promoting an interest in sales or use; or

(c) Directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit: Provided, That the terms of this clause shall not apply to a university-sponsored activity for which the handbills have been approved for such distribution by the director of student auxiliary services in the Pence Union Building.

[Statutory Authority: RCW 28B.35.120. 92-21-043, § 172-139-030, filed 10/16/92, effective 11/16/92.]

WAC 172-139-040 Penalties for violations of commercial activities regulations. (1) Any violation of this chapter by a student of Eastern Washington University is a violation of the student conduct code, WAC 172-120-040.

(2) Nonstudents violating this chapter may be referred to civil authorities for appropriate prosecutions, including violations of the laws of criminal trespass and/or litter control.

[Statutory Authority: RCW 28B.35.120. 92-21-043, § 172-139-040, filed 10/16/92, effective 11/16/92.]

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Chapter 172-144 WAC SPECIAL CHARGES—FINANCIAL RESPONSIBILITY

WAC

172-144-010	Purpose.
172-144-020	Authority of the university to make deductions.
172-144-040	Periodic deductions.
172-144-045	Financial obligations relating to travel.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-144-030	Deductions with ten day notice. [Order 73-12, § 172-144-030, filed 5/22/73.] Repealed by 92-09-102, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.120(12).
172-144-050	Right to appeal assessed financial obligations. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-144-050, filed 12/13/85; Order 73-12, § 172-144-050, filed 5/22/73.] Repealed by 92-09-102, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.120(12).

WAC 172-144-010 Purpose. Employees have a financial responsibility to the university for legitimate financial obligations owed to the university. Employees whose employee status is contingent on the fact that he or she is a student are exempt from this chapter and covered under chapter 172-124 WAC.

[Statutory Authority: RCW 28B.35.120(12). 92-09-102, § 172-144-010, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-144-010, filed 12/13/85; Order 73-12, § 172-144-010, filed 5/22/73.]

WAC 172-144-020 Authority of the university to make deductions. (1) Employees will be given notice that a deduction is forthcoming from their paycheck subject to subsection (2) of this section. Employees who wish to appeal the alleged debt shall be given twenty days from receipt of notice to request a brief adjudicative proceeding. Requests must be in writing and submitted to the university governance office. If no proceeding is requested, the university assumes that there is no dispute over the debt and may deduct from the net remuneration owed to the employee by the university for that particular pay period, the amount of any or all fees, charges, debts, fines, or other financial obligations owed to the university as expressed in the notice.

(2) Notice as provided for in subsection (1) of this section shall contain a statement setting forth the manner in which the alleged financial obligations were incurred by the employee and the amount assessed.

(3) The university may deduct from the paycheck of the employee the amount determined owing after the brief adjudicative proceeding is waived or as a result of the outcome of the proceeding. This amount may be deducted immediately.

[Statutory Authority: RCW 28B.35.120(12). 92-09-102, § 172-144-020, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-144-020, filed 12/13/85; Order 73-12, § 172-144-020, filed 5/22/73.]

WAC 172-144-040 Periodic deductions. Should deductions for any pay period produce a material and substantial hardship on the assessed employee, the university may enter into an agreement with the employee for a method of periodic deductions from the employee's paycheck until the financial obligations owed to the university have been

satisfied. The university's chief financial officer will designate a member of his or her staff to negotiate such agreements.

[Statutory Authority: RCW 28B.35.120(12). 92-09-102, § 172-144-040, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 86-01-042 (Order 85-01), § 172-144-040, filed 12/13/85; Order 73-12, § 172-144-040, filed 5/22/73.]

WAC 172-144-045 Financial obligations relating to travel. Financial obligations which result from travel advances or travel-related expenditures shall be addressed consistent with office of financial management regulations.

[Statutory Authority: RCW 28B.35.120(12). 92-09-102, § 172-144-045, filed 4/20/92, effective 5/21/92.]

Chapter 172-168 WAC

LIBRARY POLICIES

WAC

172-168-010	Eastern Washington University library.
172-168-020	Selection of services, personnel, resources.
172-168-030	Circulation records.
172-168-040	Inspection.
172-168-050	Prohibited entry.
172-168-070	Displays.
172-168-080	Library carrels.
172-168-090	Gifts.
172-168-100	Library borrowers.
172-168-110	Library circulation policy.
172-168-120	Library fines and charges for lost, damaged, and overdue materials.
172-168-130	Library service fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-168-060	Smoking. [Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-060, filed 3/22/82; Order 73-10, § 172-168-060, filed 4/18/73.] Repealed by 92-23-047, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28B.35.120.
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WAC 172-168-010 Eastern Washington University library. The library at Eastern Washington University exists first and foremost to serve the students and faculty. It also serves the rest of the university community, the regional needs of Eastern Washington, and the general scholarly community. Although normal hours for providing service varies from forty-five to more than eighty hours per week, the library may adjust these hours to meet changing public demand, availability of staff, and budgetary limitations.

[Statutory Authority: RCW 28B.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-010, filed 3/22/82; Order 73-10, § 172-168-010, filed 4/18/73.]

WAC 172-168-020 Selection of services, personnel, resources. It is the policy of the Eastern Washington University library to select on the basis of what is best and most suitable whether the choice involves staff members, library materials, or equipment and services. The library expressly rejects any form of negative selection based on censorship of materials or prejudicial considerations based on race, religion, sex, national origin, or political viewpoint.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-020, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-020, filed 3/22/82; Order 73-10, § 172-168-020, filed 4/18/73.]

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WAC 172-168-030 Circulation records. Library circulation records exist to enable the library to monitor the use of its materials and to aid in the operation of the library. They are not a matter of public record and borrower information is confidential. Records may be released through subpoena or appropriate administrative action.

[Order 73-10, § 172-168-030, filed 4/18/73.]

WAC 172-168-040 Inspection. The library shall have the right to inspect packages, briefcases, containers, articles, materials, etc., leaving the building to prevent unauthorized removal of library resources. The inspection may be done by persons, by electronic equipment, or other devices designed to detect unauthorized removals.

[Order 73-10, § 172-168-040, filed 4/18/73.]

WAC 172-168-050 Prohibited entry. The library shall have the right to prevent entry of foods and beverages, animals, or other objects or materials detrimental to the library purpose.

[Order 73-10, § 172-168-050, filed 4/18/73.]

WAC 172-168-070 Displays. Displays utilizing library space and facilities shall be by invitation only. Solicitation of a display invitation must be submitted to the dean of libraries or an authorized designee for review and evaluation concerning the display's relation to the library services. The library shall have discretionary authority regarding the decision to extend display invitations.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-070, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-070, filed 3/22/82; Order 73-10, § 172-168-070, filed 4/18/73.]

WAC 172-168-080 Library carrels. Locked library carrels are generally assigned to faculty members and graduate students (working on a thesis). The library may assign others to the carrels if space is available. Assignment is on a first-come, first-served basis for an academic quarter, and multiple assignments per carrel may be made. All closed carrels shall be subject to the following:

(1) All library materials kept in a carrel must be checked out, and are subject to the library's loan policies. University staff members may enter the carrels for checking and retrieving library materials and for cleaning and maintaining the carrels.

(2) The library is not responsible for personal property left in the carrels.

(3) A carrel assignment may be withdrawn or denied if the rules governing its use are not observed.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-080, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-080, filed 3/22/82; Order 73-10, § 172-168-080, filed 4/18/73.]

WAC 172-168-090 Gifts. The library welcomes the donations of books, other library materials, and money through the EWU Foundation. Gifts estimated to be less than five thousand dollars will be accepted with the donor's valuation without proof, provided it appears reasonable. Gifts estimated to be valued at five thousand dollars or more must be appraised by a nonuniversity party. Gifts become university

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property when accepted and received. The library reserves the right to reject, dispose, sell, or return to the donor any gift.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-090, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-090, filed 3/22/82; Order 73-10, § 172-168-090, filed 4/18/73.]

WAC 172-168-100 Library borrowers. Use of the library as part of a state public institution is the right of any adult resident of the state; however, borrowing privileges and other services may be limited in order to serve first the primary clientele of students and faculty. Children under twelve years of age must be accompanied by an adult or obtain permission from the senior staff member on duty. Use of the library may be denied to anyone for continuing abuse of library services or resources. Library materials may be circulated to the following:

(1) Students either full time or part time, including those serving as student teachers; graduate students; faculty members, including special categories such as visiting professors, and emeriti faculty, administrative and civil service staff; and trustees.

(2) Faculty members of public higher education institutions of Washington state.

(3) Spouses of faculty, staff members, and students.

(4) Members of "Associates of the EWU Library."

(5) Other libraries through interlibrary loans.

(6) Children between ages twelve and sixteen years may register and be issued a borrower's card, provided the card is co-signed by their parent or guardian.

(7) Other individuals as determined by the dean of libraries.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-100, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-100, filed 3/22/82; Order 73-10, § 172-168-100, filed 4/18/73.]

WAC 172-168-110 Library circulation policy. Amounts of materials loaned at a given time may be limited by demand, availability, or the discretion of the circulation manager or the librarians. All materials held past the due date, or past the revised due date resulting from a recall, are considered overdue.

(1) General materials, government documents, and music scores have a standard loan period of thirty days, beginning the day of check out, with one opportunity for renewal.

(2) Reference materials, bound periodicals, video recordings, or special collections materials do not circulate outside the library.

(3) Unbound periodicals circulate for three days.

(4) Reserve materials may be checked out for one hour, two hours, overnight, one day, two days, or three days, depending on the type of reserve requested.

(5) Sights and sounds materials circulate for seven days.

(6) Curriculum laboratory materials circulate for two weeks and are nonrenewable.

(7) Prints, framed pictures, uncataloged library materials, and any small collections which may be established from time to time are loaned at the discretion of the circulation manager or the librarians.

(8) Penalties. Violation of the loan periods in subsections (1) through (7) of this section by a library user may result in (2007 Ed.)

the assessment of fees or the imposition of restrictions on borrowing privileges.

(9) Holds. Items that have holds placed on them may not be renewed.

(10) Recall of materials. Except as noted above, borrowers are allowed two weeks of uninterrupted use before a recall may be requested. However, loaned materials may be recalled before that time for class use by a faculty member. Once a recall is issued, the borrower is given seven days to return the material; this date becomes the revised due date.

(11) Extended loan periods. Faculty members and graduate students may check out general materials anytime within the academic quarter with the item being due at the end of that quarter. However, items checked out within the last thirty days of any academic quarter are due at the end of the following quarter. Renewal may be requested one time by graduate students and three times by faculty members. Materials loaned to faculty members and graduate students are subject to subsections (2) through (10) of this section.

(12) Responsibility. Materials borrowed from the library remain the responsibility of the borrower until the materials have been discharged by the library.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-110, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-110, filed 3/22/82; Order 73-10, § 172-168-110, filed 4/18/73.]

WAC 172-168-120 Library fines and charges for lost, damaged, and overdue materials. Fine schedules are posted at the circulation counters at the university library and its branches.

(1) Persons to whom overdue materials are checked out are subject to specific fines. Service charges are assessed for notices, and the replacement cost of each item overdue is assessed in the final notice. Reserve materials are subject to a separate fine schedule.

(2) A block restricting borrowing privileges will be placed on a borrower's record at the time a final notice is sent (thirty days past due date) or when accumulated library charges reach \$50.00. The balance must be reduced to \$25.00 or less to reinstate borrowing privileges.

(3) Ordinarily the library sends reminder notices and hold notices on overdue materials. However, it must be recognized that the return of library materials is solely the borrower's responsibility, and the library may, when necessary, curtail the practice of sending notices.

(4) Reimbursement shall be made to the library for lost or damaged materials, the charges to be established by the dean of libraries or authorized designee. The charges will be a fair estimate of replacement or repair cost plus a five dollar processing charge.

(5) Final notice fees, service charges, and replacement amounts due will be forwarded to the controller's office for collection when materials become sixty days overdue. (This may affect registration and financial aid.) The account may be turned over to a collection agency.

(6) All library patrons should be aware of RCW 27.12.340 which states:

"27.12.340 Wilfully retaining books—Infraction. It is a class 4 civil infraction for any person to wilfully retain any book, newspaper, magazine,

pamphlet, manuscript, or other property belonging in or to any public library, reading room, or other educational institution, for thirty days after notice in writing to return the same, given after the expiration of the time that by the rules of such institution such article or other property may be kept."

(7) The library may resort to legal action to obtain compliance with these regulations.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-120, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-120, filed 3/22/82; Order 73-10, § 172-168-120, filed 4/18/73.]

WAC 172-168-130 Library service fees. Fees may be levied for some special services in the library which are not funded and must be self-supporting. In all cases, the fees reflect the actual cost of the service. A current fee schedule will be maintained in the library as established by the university librarian, or authorized designee. At present, fees are charged for a variety of photocopying, bibliographic and related services. Normally these charges will not exceed actual costs incurred, including labor and overhead.

[Statutory Authority: RCW 28B.35.120. 92-23-047, § 172-168-130, filed 11/16/92, effective 12/17/92; 82-07-064 (Resolution No. 82-02), § 172-168-130, filed 3/22/82; Order 73-10, § 172-138-130 (codified as WAC 172-168-130), filed 4/18/73.]

Chapter 172-190 WAC

IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974

WAC

172-190-010	Purpose.
172-190-020	Definitions.
172-190-030	Right of inspection.
172-190-035	Availability of directory information.
172-190-040	Access permitted to university and certain other officials without consent.
172-190-050	Distribution of information to others.
172-190-060	Notice of rights given under Family Educational Rights and Privacy Act of 1974.
172-190-070	Requests for access to student records.
172-190-080	Determination regarding records.
172-190-090	Review proceeding available.
172-190-100	Right of students to register objections.

WAC 172-190-010 Purpose. The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indicated in the aforesaid law, its purpose is to assure that students attending institutions of higher education such as Eastern Washington University shall have a right to inspect certain records and files intended for school use or made available to parties outside the university.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-010, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-010 (codified as WAC 172-190-010), filed 3/3/75.]

WAC 172-190-020 Definitions. The following definitions shall apply in interpreting these regulations:

(1) "Education records" are defined as records, files, documents, and other materials which contain information directly related to a student and are maintained by the univer-

sity. Also included are records relating to an individual in attendance at the university who is employed as a result of his or her status as a student. The definition of "education records," however, does not include any materials used by any university instructor in the course of assessing a student's academic performance, including but not limited to academic grades conferred, essays, tests, written evaluations given during directed studies, and the like, nor materials maintained by the university's counseling center, or by any psychologist paraprofessional acting in a professional or paraprofessional capacity for the benefit of the university.

(2) "Student" is defined as a person who is or has been in attendance at Cheney, Spokane, or any other location at which the university confers credit and regarding whom the university maintains educational records.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-020, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-020 (codified as WAC 172-190-020), filed 3/3/75.]

WAC 172-190-030 Right of inspection. Any student shall have a right, subject to the procedural requirements outlined in WAC 172-190-070 through 172-190-090, to inspect any education records directly related to him or her that are intended for school use or are available for parties outside the school or school system. In the case of any education records relating to a student which also include information regarding another student, the responsible university officials shall delete any personally identifiable information relating to the identity of the other student.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-030, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-030 (codified as WAC 172-190-030), filed 3/3/75.]

WAC 172-190-035 Availability of directory information. Except as hereinafter provided, the following information contained in a student's education records shall be available to members of the public: Student's name, address, telephone listing, date and place of birth, and participation in officially recognized activities and sports; weight, height and birth dates of athletic team members; dates of attendance at the university, degrees and awards received, and the most recent previous educational agency or institution attended by the student. The information shall be deemed "directory information." The university will give public notice to students of the matters contained in the above-designated "directory information" that is available to members of the public at the time the student registers for enrollment in the academic quarter. On the day of registration each student shall indicate on the university registration form whether he or she will not consent to the university's release of directory information to others.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-035, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-035 (codified as WAC 172-190-035), filed 3/3/75.]

WAC 172-190-040 Access permitted to university and certain other officials without consent. (1) The following persons, individuals, agencies, or organizations shall be entitled to access to official records, files, and data of any student, subject to the limitations outlined in subsection (2) of this section, without the written consent of the student:

(a) Other school officials, including instructors within the university who have a legitimate educational interest;

(b) Officials of other universities, schools, or school systems, upon the condition that a reasonable attempt is made to notify the student of the transfer and to provide the student with a copy of the record if he or she desires it and the student has the opportunity to challenge the content of the record, per the procedures outlined in WAC 172-08-090;

(c) Authorized representatives of the controller general of the United States; the Secretary of Health, Education and Welfare; and administrative head of an education agency as defined in § 409 of Public Law 93-380; or state of Washington educational authorities: Provided, That except when collection of personally identifiable data is specifically authorized by federal law, any data collected by the controller general, the secretary, administrative head of a United States Education Agency or state educational authorities with respect to individual students shall not include information (including social security numbers) which permit the personal identification of the students.

(d) Authorized representatives of the Office of Education at the U.S. Department of Health, Education and Welfare; the Law Enforcement Assistance Administration of the U.S. Department of Justice; the U.S. Veterans Administration; the Bureau of Indian Affairs; the Washington state council on higher education; the Washington state department of social and health services; lending institutions receiving applications from students or granting to students financial aid; and individual organizations or institutions that provide scholarships to any applicant student when the organizations or individuals make requests for students' education records in connection with a student's application for, or receipt of, financial aid.

(e) State and local officials or authorities, if a state statute adopted prior to November 19, 1974, specifically requires disclosures to those officials and authorities. This does not prevent a state from further limiting the number of type or state or local officials to whom disclosures may be made under that paragraph.

(f) Disclosures to organizations (including, but not limited to, federal, state, local agencies, and independent organizations) conducting studies for, or on behalf of, educational agencies or institutions to:

- (i) Develop, validate, or administer predictive tests;
- (ii) Administer student aid programs; or
- (iii) Improve instruction.

This information may be disclosed if the study is conducted in a manner that does not permit personal identification of parents or students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.

(g) The disclosure is to accrediting organizations to carry out their accrediting functions.

(h) The disclosure is to parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954.

(i) The disclosure is to comply with a judicial order or lawfully-issued subpoena. Information may be disclosed only if the institution or agency makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(j) Disclosure is in connection with a health or safety emergency.

(k) Disclosure is information the educational agency or institution has designated as "directory information."

(l) This section does not forbid or require an educational agency or institution to disclose personally identifiable information from the education records of a student to any parties under (a) through (l) of this subsection.

(2) The university shall maintain a record, kept with the education records of each student, which will indicate all the agencies or organizations referenced in subsection (1)(b) and (c) of this section, which have requested or obtained access to the student's education records. The university employee who is the custodian charged with the maintenance of the student education records shall further indicate specifically the legitimate interest each agency or organization has in obtaining this information.

(3) If any of the agencies or organizations described in subsection (1)(b) or (c) of this section, request access to the education records of ten or more students, they may do so on a form provided by the university that indicates the request is being made on a blanket basis. The form shall also require the agency to identify the legitimate interest the agency has regarding students' education records. The university employee who is the custodian of each student education record requested by an agency or organization referenced in subsection (1)(b) and (c) of this section shall then enter in the education record notice of the agency's or organization's request and the place where the request may be found.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-040, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-040 (codified as WAC 172-190-040), filed 3/3/75.]

WAC 172-190-050 Distribution of information to others. The university shall not furnish in any form any personally identifiable information contained in education records directly related to a student to any person, agency, or organization other than those designated in WAC 172-190-040, unless written consent is first obtained from the student and, specifically identifies the records to be released, the legitimate interests the party has in obtaining the information and to whom the personally identifiable information is to be released. In the case any personally identifiable information contained in a student's education records is to be furnished in compliance with a judicial order or pursuant to a lawfully issued subpoena, the university shall make a reasonable attempt to notify the student in advance of compliance therewith.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-050, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-050 (codified as WAC 172-190-050), filed 3/3/75.]

WAC 172-190-060 Notice of rights given under Family Educational Rights and Privacy Act of 1974. In accordance with the requirements of the aforesaid federal statute, the university will make its best efforts to notify all students of their rights under this act. The notification shall be done by the registrar through the Washington Administrative Code procedures provided for by the Administrative Procedure Act, notices accomplished through the university catalogs, quarterly course announcements, and other publications and

media that the university deems appropriate. The notification shall include at least a statement which indicates where the policy is kept and how copies of the policy may be obtained.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-060, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-060 (codified as WAC 172-190-060), filed 3/3/75.]

WAC 172-190-070 Requests for access to student records. No personally identifiable information relating to a student's education record will be furnished to any person whatsoever unless the person makes a written request to do so and provides to the custodian of the records information sufficient to identify the requesting party as a person who has a right to access to the records. By way of example and not limitation, a requesting party who identifies himself or herself as a student to whom the record relates must provide a department of licensing identification or international driver's license or identification sufficient to identify the student, university identification card, and any other official identifying document that is sufficient to establish the identity of the student. In the case of any persons in the category of those individuals, persons, agencies, or organizations identified in WAC 172-190-040, no personally identifiable information contained in any student's education record will be disclosed without providing information of the same type and nature as that required of a student plus other information as the custodian of the record deems sufficient to ascertain the official capacity of the requesting party.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-070, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-070 (codified as WAC 172-190-070), filed 3/3/75.]

WAC 172-190-080 Determination regarding records. The university reserves the right to determine that a record regarding a student is not an education record or material defined in WAC 172-190-020 or that the provision of personally identifiable information relating to a student was properly given to an authorized agency per WAC 172-190-040. The determination shall be made in writing and may be accomplished in consultation with any of the records officers of the university designated in chapter 172-09 WAC, the president, a vice-president, or an assistant attorney general assigned to the university.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-080, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-080 (codified as WAC 172-190-080), filed 3/3/75.]

WAC 172-190-090 Review proceeding available. (1) Any person objecting to a denial of a request for any university record relating to a student, or any student who contests whether the transfer of any university record relating to him or her is permitted under these regulations, may petition for prompt review of the denial or written objection to transfer. The written request shall:

- (a) Be served on the public records officer provided for in chapter 172-09 WAC;
- (b) Demand prompt review; and
- (c) In the case of objection to transfer, specifically reference the party to whom he or she does not want the record transferred and contain a written statement by the record custodian denying the person's request.

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Upon receipt of a proper written objection to transfer of a student record, the university public records officer shall cause the records to not be transferred pending outcome of the proceeding provided for in these regulations.

(2) Within ten days after receipt of the written request by a person petitioning for prompt review of a decision by a custodian of student records, the president of the university or any authorized designees, which for the purposes of this section may include any vice-president of the university, shall consider the petition.

(3) The president or authorized designee may at the end of the ten day period either meet the objecting party's objection and advise the party of the same in writing, or in the alternative, set the matter up for a proceeding before a presiding officer designated by the president or the president's designee. The proceeding shall be conducted within thirty days after the objecting party served the objections on the university's public records officer and shall be a brief adjudicative proceeding, as that term is defined in RCW 34.05.482 through 34.05.494 and shall be conducted as provided for therein. The president or authorized designee shall determine the time and place for the proceeding. At the proceeding, the objecting party shall further explain and identify the exact purpose for seeking the record which has been denied or why he or she has lodged objections to transfer of a student record. Failure by the person requesting the review to appear at the brief adjudicative proceeding shall be deemed a waiver of that person's right to insist upon completion of the review of the request.

(4) During the proceeding conducted by the president, an authorized designee, or by anyone appointed by the president or authorized designee, the person conducting the proceeding shall consider the obligation of the university to fully comply with the Family Educational Rights and Privacy Act, but shall also consider the exemptions provided in the course of these regulations. A record shall be made of the proceeding by mechanical transcriptions or any other means satisfactory to the university.

(5) Within ten days after the hearing has occurred, the president, or authorized designee, or the hearing officer appointed to conduct the informal hearing shall provide the objecting party with a written decision, which decision shall be binding upon the university and upon the objecting party.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-090, filed 12/30/91, effective 1/30/92; Order 75-1 § 172-08-090 (codified as WAC 172-190-090), filed 3/3/75.]

WAC 172-190-100 Right of students to register objections. Any student who objects to the accuracy or truthfulness of any information contained in any Eastern Washington University education records or portion thereof that is related to the student may submit to the university's public records officer his or her written views regarding the same, which written objection shall then be included in the education records: Provided, That no student has any right to post objections to academic grades and have the same appear on his or her academic transcript.

[Statutory Authority: RCW 28B.35.120(12). 92-02-053, § 172-190-100, filed 12/30/91, effective 1/30/92; Order 75-1, § 172-08-100 (codified as WAC 172-190-100), filed 3/3/75.]

Chapter 172-325 WAC
ENVIRONMENTAL POLICY

WAC

172-325-010 State Environmental Policy Act (SEPA).

WAC 172-325-010 State Environmental Policy Act (SEPA). It is the policy of Eastern Washington University that any project shall be accomplished in compliance with chapter 43.21C RCW, the State Environmental Policy Act (SEPA) and in accordance with chapter 197-11 WAC, guidelines for the State Environmental Policy Act implementation. Further, it is the policy of the university to provide leadership in resource conservation and environmental protection. Environmental issues will be considered in the decision-making and planning process. To this end, Eastern Washington University adopts by reference chapter 197-11 WAC SEPA guidelines and all subsequent amendments thereto.

In compliance with chapter 197-11 WAC, the executive vice-president is the responsible official for carrying out this policy.

[Statutory Authority: RCW 28B.35.120. 92-21-047, § 172-325-010, filed 10/16/92, effective 11/16/92. Statutory Authority: RCW 28B.35.120(12). 92-09-104, § 172-325-010, filed 4/20/92, effective 5/21/92. Statutory Authority: RCW 28B.35.120 and 43.21C.120. 83-23-100 (Order 83-02), § 172-325-010, filed 11/23/83.]